



CITY OF BEACON, NEW YORK
VIRTUAL MEETING

Mayor Lee Kyriacou
Councilmember Amber J. Grant, At Large
Councilmember George Mansfield, At Large
Councilmember Terry Nelson, Ward 1
Councilmember Air Rhodes, Ward 2
Councilmember Jodi M. McCredo, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Anthony Ruggiero

**February 16, 2021
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

[Notice of Change in Meeting Location February 16, 2021](#)

Public Hearings:

1. [Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewshed Protection](#)

Reports

Local Laws and Resolutions:

1. [Resolution Authorizing the Adoption of a Capital Budget for the City of Beacon for the Year 2021](#)
2. [Resolution Authorizing the Execution of a Contract with Mental Health America of Dutchess County](#)
3. [Resolution Accepting Easement for Van Nydeck Municipal Parking Lot](#)
4. [Resolution Adopting a Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon Concerning Wireless Telecommunication Services Facilities](#)
5. [Resolution Authorizing Bid Award to Sun Up Construction for Beacon Main Street Accessibility Improvements \(PIN 8761.25\) / Beacon Pedestrian Signal Improvements \(8761.45\)](#)
6. [Resolution Ratifying the Appointment of Volunteer Firefighters](#)

Approval of Minutes

City Council Meeting Minutes February 1,
2021

2nd Opportunity for Public Comments:

Executive Session

Personnel

Adjournment:

City of Beacon City Council Agenda
02/16/2021

Title:

Notice of Change in Meeting Location February 16, 2021

ATTACHMENTS

[Notice of Change in Meeting Location February 16, 2021](#)



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the City Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the videoconference meeting and comment during regular City Council meetings (i.e for public hearings and during designated public comment periods) at

<https://us02web.zoom.us/j/85966091996?pwd=K2xtc1BpTjlLa1N3MjlYbXpnanoxdz09>

Webinar ID: 859 6609 1996 Passcode: 985685. To the extent internet access is not available, the public can attend and comment via telephone by dialing + 1 929 205 6099 and entering the Webinar ID: 859 6609 1996 Passcode: 985685. The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>. The public can email written comments or questions for regular City Council Meetings by 5pm on the day of the meeting addressed to cityofbeacon@cityofbeacon.org. Any member of the public who has questions should contact the City Administrator in advance of the meeting at 845 838 5010 or cwhite@cityofbeacon.org.

PLEASE TAKE FURTHER NOTICE, that any Executive Session of the Council will be initiated with the Council first convening on the public videoconferencing site, and then adopting a motion to go into Executive Session.

PLEASE TAKE FURTHER NOTICE, that the City Council Meeting of February 16, 2021 at 7:00 pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon City Council Agenda
02/16/2021

Title:

Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewshed Protection

ATTACHMENTS

Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewshed Protection

Environmental Assessment Form

Exemption Form

Memorandum from the City of Beacon Planning Board Regarding the Proposed Viewsheds Local Law

Memorandum from the Dutchess County Department of Planning and Development Regarding Viewsheds

Public Hearing Notice

DRAFT LOCAL LAW NO. ____ OF 2021

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO CREATE
CHAPTER 223, SECTION 25.1 OF THE CODE OF THE CITY OF
BEACON

A LOCAL LAW to
create Chapter 223,
Section 25.1 of the
Code of the City of
Beacon concerning
Scenic Viewshed
Protection.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223, Section 25.1 of the Code of the City of Beacon is hereby created as follows:

§ 223-25.1 Scenic Viewshed Protection.

- A. Statutory authority. Pursuant to the General Municipal Law § 96-a of the State of New York and the General City Law of the State of New York, the Beacon City Council hereby enacts a Scenic Viewshed Protection Law.
- B. Legislative findings and purpose. The City of Beacon finds that certain public view locations and viewsheds, as herein defined, have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. The purpose of this section is to:
 - (1) Safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.
 - (2) Preserve property values in such scenic resource areas.
 - (3) Foster civic pride in the beauty of the City.

- (4) Implement the objectives and policies of the City's Comprehensive Plan, Local Waterfront Revitalization Program, and Natural Resources Inventory.

C. Legislative Intent

- (1) It the intent of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest.
- (2) This section is enacted with the intent of providing an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. Therefore, this section recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for reasonable purposes consistent with these and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds.
- (3) It is not the intent of this section to protect views from private properties or to affect property development constructed prior to the designation of a specific scenic viewshed or scenic view location. However, it is the intent of the City of Beacon that the provisions of this section shall apply to any enlargement, alteration, improvement, or modification of any existing building or structure that affects a designated scenic viewshed.

- D. Definitions. Unless specifically defined below, words or phrases in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

SCENIC VIEW LOCATION

A designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed.

SCENIC VIEWSHED

A designated area which exhibits outstanding or unique arrangements of natural or built features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a scenic view location.

- E. Designation process. From time to time the City Council may, on its own motion, identify and designate certain areas within the City of Beacon as a scenic view location and a scenic viewshed:

- (1) The City Council shall identify a scenic view location and scenic viewshed for possible designation. The City Council shall prepare and make public a justification assessment which shall include maps, photographs, and a written description to describe the potential scenic view location and scenic viewshed under consideration.
- (2) The City Council shall request comments regarding the potential scenic view location and scenic viewshed from the Planning Board and Conservation Advisory Committee. The City Council may also request comments from other officials and committees as the Council deems appropriate. All comments shall be provided to the City within 30 days of the City's initial request.
- (3) After the City Council has identified a specific scenic view location and scenic viewshed for protection, it shall hold a public hearing on the designation of each identified scenic view location at which time the general public, interested parties, and property owners in the area shall have the opportunity to be heard regarding the proposed scenic view location and scenic viewshed designation.
- (4) Notice of the public hearing on the designation of the scenic view location and scenic viewshed shall be provided as follows:
 - (a) The City shall submit a notice of public hearing to the official City newspaper and one additional local newspaper for publication at least 10 days before such hearing. The notice shall be published at the expense and direction of the City. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
 - (b) Notice of the public hearing shall be sent by the City, by certified mail (return receipts not required) at least 10 days before such hearing to all property owners within a distance of 250 feet of any boundary of the proposed scenic view location. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
- (5) After conducting a public hearing on the intent to designate a scenic view location the City Council shall approve or disapprove the designation according to its regular voting procedures and include any designated view location on the City of Beacon Zoning Map.
- (6) The designation of a scenic view location or scenic viewshed may be amended or rescinded by the City Council, after a public hearing.

F. Criteria for designation.

- (1) Prior to designating a scenic view location or scenic viewshed, the City Council must find the scenic view location or scenic viewshed possesses one or more of the following characteristics:

- (a) The view represents a key view location for which public sensitivity to an alteration of the view will be the highest, such as at gateway entrances to the City, public parks, and major intersections.
 - (b) The view is illustrative of a natural landscape feature, water body, or geologic feature important to the natural character of the City. The City's Natural Resources Inventory identified three primary scenic viewsheds worthy of protection, including views of the Hudson River, Fishkill Creek, Fishkill Ridge and Mt. Beacon.
 - (c) The view encompasses a significant historic location which is important to the cultural history of the City. Designated view locations may include historic structures, but views of historic buildings shall be protected by the provisions in Chapter 134, Historic Preservation.
- (2) Scenic viewsheds shall possess a unique overall quality of scenic beauty.
- (3) If multiple nearby locations have similar views, the best view locations shall be designated.
- (4) Designation shall consider foreground elements and the longer-distance viewshed, as well as whether the view will be available in both summer and winter.
- (5) Only legally accessible public property, including existing roads, parks, or other legally accessible public property, may be designated as a protected scenic view location.
- G. Site development plan regulations for proposed projects affecting a designated scenic view location or designated scenic viewshed.
 - (1) Where site development plan approval is required by the Planning Board pursuant to § 223-25, the Planning Board shall consider the consistency of the proposed development, alteration, modification or improvement with the provisions of this section.
 - (2) An application for site development plan approval for a proposed development, alteration, modification or improvement that may affect a designated scenic view location or designated scenic viewshed shall include a visual assessment of the proposed action as part of the application packet. The visual assessment shall include the following:
 - (a) An aerial photograph showing the subject property, adjoining parcels, and the designated view location and direction.
 - (b) Perspective drawings, plans and section diagrams, photographs, or photo-simulations of proposed improvements in relation to the designated view location and viewshed.

- (c) A written description of the proposed development, the predicted impacts on the designated view location and viewshed, and suggested mitigation measures to avoid any potential impacts.
 - (d) The reviewing authority may request additional information as part of the review process.
- (3) Before granting or denying any site development plan, the Planning Board shall consider the following standards when reviewing a site development plan application that may affect a designated scenic viewshed or scenic view location:
- (a) The proposed activity, including any new structure, parking lot, overhead wires, antenna, light fixture, fencing, mechanical equipment, or other new site feature, shall be located or clustered on the parcel so as to avoid affecting the designated viewshed or cause the least possible obstruction of the view.
 - (b) If there is no reasonable alternative on the site to placing permitted buildings near designated views, such buildings shall be located to maintain a substantial viewshed corridor between buildings, thereby framing the view rather than obstructing it.
 - (c) To protect designated scenic viewsheds over buildings, rooftop mechanical equipment and other potential obstructions shall be avoided, or at least minimized and screened, and any visible flat roof surfaces shall be integrated into views with green roof plantings or other architectural measures.
 - (d) Disturbance to existing vegetation that contributes to the scenic viewshed shall only be permitted to the extent that it is absolutely necessary for the development or improvement. Existing overgrown vegetation that is blocking scenic views may be selectively cut down or trimmed back.
 - (e) New landscaping, including trees, shrubs, and hedges, shall be planted so as to avoid obstruction of designated public viewsheds and maintained over time as a condition of any approval.
 - (f) Development that may affect the designated viewshed shall be integrated with existing vegetation and kept screened behind and below the natural tree line, whenever possible.
 - (g) Designated viewsheds may be additionally protected by providing enhanced scenic view locations as part of a development plan, such as the incorporation of a publicly accessible viewpoint, greenspace, promenade, or Greenway Trail into the proposal.

- (4) The Planning Board may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.
- (5) In order to achieve the purposes of this section, the Planning Board may modify the zoning regulations with respect to site layout and lot design, including minimum lot area, width, depth, and frontage, minimum front, side, and rear yards, and other similar requirements in the § 223-17, Schedule of Dimensional Regulations, provided that:
 - (a) The permitted number of dwellings or overall square feet of development in no case exceeds the number that could be permitted if the land was developed in conformance with the normally applicable requirements of the zoning district.
 - (b) The maximum permitted building height requirements shall be the same as those normally applicable to other dwellings in the zoning district.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not

been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Proposed Local Law to Protect Scenic Viewsheds							
Name of Action or Project: Local Law to add Chapter 223, Section 25.1 to the Code of the City of Beacon concerning protection of scenic viewsheds.							
Project Location (describe, and attach a location map): City of Beacon							
Brief Description of Proposed Action: The City of Beacon finds that certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The City of Beacon has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources.							
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-383-5000					
		E-Mail: Mayor@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12509				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☐</td> </tr> </table>	NO	YES	☐	☐
NO	YES						
☐	☐						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>1/14/2021</u>		
Signature: <u>Jim Garib</u> , on behalf of the city of Beacon Title: <u>City Attorney</u>		

Environmental Assessment Form
Part 1 – Project Information
Narrative Description

The City Council of the City of Beacon (“City Council”) has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect scenic viewsheds in the City of Beacon. Certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. It the intent of the proposed local law to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The proposed local law provides an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. The proposed local law recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for any reasonable purpose consistent the provisions of § 223-25.1 and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds or scenic view location.

The proposed local law establishes a process to identify and designate areas within the City of Beacon as scenic view locations and scenic viewsheds. A scenic view location is a designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed. A scenic viewshed is designated area which exhibits outstanding or unique arrangements of natural or man-made features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a view location.

Prior to designating a scenic viewshed or scenic view location, the City Council must determine that the scenic viewshed or scenic view location meets the criteria for designation set forth in § 223-25.1.F(1) of the proposed local law.

Where site development plan approval is required by the Planning Board pursuant to City Code § 223-25, the Planning Board must consider the standards set forth in § 223-25.1.G(3) of the proposed local law to mitigate potential impacts to a designated scenic view location or designated scenic viewshed. In connection with its site development plan review, the Planning Board may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.

The proposed local law will have a positive impact on the City’s resources as the purpose of the proposed local law is to safeguard the City’s scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
			Co./Dept.	From	
			Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Scenic Viewsheds Protection**

Applicant: **City of Beacon City Council**

Address of Property:

Exempt Actions:*
239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **2/11/2021**

Entered By: **Milone, Collin**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted:	Notes:	☐ Major Project	
Date Received:		Referral #: ZR21-010	
Date Requested: 2/11/2021			
Date Required:	☐ Also mailed hard copy	Reviewer:	
Date Transmitted:			



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Create Chapter 223, Section 25.1 concerning Viewshed Protection

DATE: February 11, 2021

At the February 9, 2021 Planning Board meeting, members reviewed and discussed the proposed local law referred from the City Council which would create Chapter 223, Section 25.1 of the City Code concerning viewshed protection. A comprehensive review of the proposed law took place with the City Planner John Clarke and Attorney Jennifer Gray with particular attention to areas of the law that pertain to the Planning Board's role. Generally, the Planning Board is in agreement with the local law which is comprehensive and structured in a way that makes sense. However, considerable discussion took place regarding whether the law should apply to Subdivision, Special Use Permit, and Variance approvals as well as site development plans. The current draft is limited only to applications for site development plans and members are concerned that omitting Subdivision, Special Use Permit and Variance applications from the scope of the viewshed protections may result in too many exceptions to the rule. The Planning Board recommends that the City Council consider whether those additional types of land use applications should be included in the scope of the proposed local law.

Should you have any questions or require additional information, please feel free to contact me.

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
			Co./Dept.	From	
			Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Scenic Viewsheds Protection**

Applicant: **City of Beacon City Council**

Address of Property:

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **2/11/2021**

Entered By: **Milone, Collin**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 1/26/2021	Date Received: 1/26/2021	Date Requested: 2/11/2021	Notes: ☐ Major Project Referral #: ZR21-010
Date Required: 2/24/2021	Date Transmitted: 2/11/2021	☐ Also mailed hard copy	Reviewer:

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that based upon notices and health advisories issued by Federal, State and Local officials related to COVID-19 virus, the Beacon City Council hereby schedules a public hearing to receive comment on a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Scenic Viewsheds Protection for February 16, 2021 at 7:00 p.m., via videoconferencing. As permitted under the Governor of the State of New York's Emergency Order 202.1 and 202.15, due to the public health and safety concerns, the public will not be permitted to attend the public hearing in person at any of the remote locations where the City Council members will be situated, or in any other location. The public will have an opportunity to see and hear the meeting live and provide comments.

PLEASE TAKE FURTHER NOTICE, that the City Council's agenda is available online in advance of meetings at <http://agenda.cityofbeacon.org/>.

PLEASE TAKE FURTHER NOTICE, that the public can view and/or listen to the meeting live (1) on YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>, (2) through Zoom by going directly to the Zoom website (zoom.us) at the meeting start time, select JOIN A MEETING and enter the Webinar ID: 859 6609 1996 Passcode: 985685. or (3) by calling 1 929 205 6099, entering Webinar ID: 859 6609 1996 Passcode: 985685. Members of the public can comment during the public hearing through the Zoom app or by telephone. The public can also email written comments or questions to cityofbeacon@cityofbeacon.org by 5pm on the day of the meeting.

Amanda C. Caputo, Deputy City Clerk

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Authorizing the Adoption of a Capital Budget for the City of Beacon for the Year 2021

ATTACHMENTS

[Resolution Adopting the Proposed 2021 Capital Budget](#)

[Proposed Capital Budget 2021](#)



**CITY OF BEACON
CITY COUNCIL**

Resolution No. ____ of 2021

**RESOLUTION AUTHORIZING THE ADOPTION OF A
CAPITAL BUDGET FOR THE CITY OF BEACON FOR
THE YEAR 2021**

BE IT RESOLVED, that the Mayor and City Council of the City of Beacon hereby authorize the adoption of the attached Capital Budget with a projected expenditure total of \$10,160,000, of which \$567,000 will be from general fund balance, \$9,513,000 will be from fund debt, and \$80,000 will be from the Parks and Recreation Trust Fund.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby authorize preparation of the bond authorization documents for the projects identified in the budget.

Resolution No. ____ of 2021			Date: February 16, 2021				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

CITY OF BEACON 2021 CAPITAL PLAN

RED - General Fund	FUNDING SOURCES						
GREEN- Sewer Fund	TOTAL	GENERAL	GENERAL	WATER	SEWER	REC	TOTAL
BLUE - Water Fund	COST	FUND BALANCE	FUND DEBT	FUND DEBT	FUND DEBT	TRUST	COST
CITY BUILDINGS							
City Hall: HVAC Chiller Replacement	200,000		200,000				200,000
City Hall: Roof Replacement	305,000		305,000				305,000
FIRE DEPARTMENT							
Purchase New Pumper/ Rescue Vehicle	640,000		640,000				640,000
HIGHWAY DEPARTMENT							
Replacement of 1992 #992 Dump Truck/Plow/Sander	300,000		300,000				300,000
Replacement of 2000 John Deere Excavator	225,000		225,000				225,000
Replacement of 1998 One-Ton Dump Truck with Plow	65,000	65,000					65,000
Replacement of 2005 One-Ton Dump Truck with Plow	65,000	65,000					65,000
Washington Avenue: Box Wing Walls Reconstruction	125,000	125,000					125,000
Tioronda Bridge Reconstruction: Engineering Design	150,000	150,000					150,000
PARKS & RECREATION DEPARTMENT							
Memorial Park: Pavilion- Hilltop	30,000	30,000					30,000
South Avenue Park: Retaining Wall Reconstruction	80,000					80,000	80,000
POLICE DEPARTMENT							
Purchase of Hybrid Police Vehicles, SUV (2) and Equipment	110,000	110,000					110,000
Replacement of Security Camera: 162 Main Street	8,000	8,000					8,000
Purchase of Car Cameras (2)	14,000	14,000					14,000
SEWER DEPARTMENT							
Primary Settling Tanks Replacement: Engineering and Construction	1,600,000				1,600,000		1,600,000
West Main Pump Station: Force Main Replacement	1,800,000				1,800,000		1,800,000
West Main Pump Station Replacement	2,100,000				2,100,000		2,100,000
Fishkill Avenue Sewer Replacement: Delavan Ave to Hanna Lane	1,613,000				1,613,000		1,613,000
WATER DEPARTMENT							
Drinking Water Well 3 Development: Engineering Design	130,000			130,000			130,000
Melzingah Dam Engineering and Regulatory Compliance	250,000			250,000			250,000
Removal of Underground Storage Tank/ New Generator Installation	350,000			350,000			350,000
TOTAL	10,160,000	567,000	1,670,000	730,000	7,113,000	80,000	10,160,000

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Authorizing the Execution of a Contract with Mental Health America of Dutchess County

ATTACHMENTS

[Resolution Authorizing the Execution of a Contract with Mental Health America](#)

[Proposed Contract with Mental Health of America of Dutchess County](#)



**CITY OF BEACON
CITY COUNCIL**

Resolution No. ____ of 2021

**RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT WITH MENTAL HEALTH AMERICA OF
DUTCHESS COUNTY**

BE IT RESOLVED, that the City Council of the City of Beacon hereby authorizes the Mayor or City Administrator to enter the City of Beacon into a contract, in the amount of \$70,000, with Mental Health America of Dutchess County for mental health services.

BE IT FURTHER RESOLVED, that the contract with Mental Health America of Dutchess County shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

Resolution No. ____ of 2021			Date: February 16, 2021				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

AGREEMENT BY AND BETWEEN
THE CITY OF BEACON, NEW YORK (CLIENT)
AND
MENTAL HEALTH AMERICA OF DUTCHESS COUNTY (CONTRACTOR)
DATED: MARCH 1, 2021

This Agreement (the “Agreement”) is made and entered into this ____ day of _____, 2021 by and between MENTAL HEALTH AMERICA of DUTCHESS COUNTY, INC. (“CONTRACTOR”), with offices at 253 Mansion Street, Poughkeepsie, New York 12601 and the CITY OF BEACON (“CLIENT”), a municipal corporation of the State of New York with offices at 1 Municipal Plaza, Beacon, New York 12508 for the purpose of assessing and referring people in need of services within the jurisdiction of Client (together, the “Parties”). The Terms and Conditions are as follows:

1. **SERVICES:** CONTRACTOR will provide one (1) Mental Health Worker Intensive Case Management (“MHW ICM”) to work with the City of Beacon Police Department. It is intended the MHW ICM shall work with the City of Beacon Police Department thirty-five (35) hours per week. The individual’s duties and responsibilities will include but are not limited to: accompanying police officers on calls for service involving a person in crisis who may be in immediate need of assessment by a mental health professional; working closely with the Police Department’s Juvenile Division Youth Worker to meet the needs of children and their parents who may be experiencing mental health related illnesses; following-up on calls of service where a mental health professional was not present; and accompanying the Behavior Evaluation and Assessment Team (“BEAT”) on routine patrol.
2. **FEE SCHEDULE:** CLIENT shall pay CONTRACTOR an amount not to exceed \$70,000 for thirty-five (35) hours per week for one year for the services provided pursuant to this Agreement. The CLIENT shall not be responsible for any other costs. CONTRACTOR shall submit monthly invoices detailing the hours worked by the MHW ICM assigned to the City of Beacon. The hours worked shall commence when the MHW ICM reports to the police station or remote work location to perform services pursuant to this Agreement. **CLIENT is a tax-exempt organization and as such, shall not reimburse for sales tax. CONTRACTOR is responsible to pay all payroll taxes, benefits, unemployment and related expenses.**
3. **TERM:** This Agreement shall commence on March 1, 2021 and continue until March 1, 2022 unless sooner terminated or amended pursuant to the terms and provisions of this agreement.

4. **INDEPENDENT CONTRACTOR STATUS:** The parties hereto intend that the relationship with the CLIENT shall be that of an independent contractor. No officer, agent, and/or employee of the CONTRACTOR shall be considered an officer, agent, and/or employee of the CLIENT. CONTRACTOR and CONTRACTOR's officers, employees and/or agents, if any, are retained by the CLIENT only for the purposes, and to the extent, set forth in this Agreement. CONTRACTOR acknowledges that it will not hold itself, its officers, employees and/or agents out as employees of the CLIENT. CONTRACTOR shall not hold itself out as anything other than an independent contractor of the CLIENT. CONTRACTOR and CONTRACTOR's officers, employees and/or agents shall not be entitled to any rights or benefits afforded to the CLIENT's employees, including, without limitation, disability or unemployment insurance, workers' compensation, medical insurance, sick leave, retirement or any other employment benefit. CONTRACTOR is responsible for providing, at CONTRACTOR's sole expense, disability, unemployment, workers' compensation and all other forms of insurance, training, permits and licenses for CONTRACTOR and for CONTRACTOR's officers, employees and/or agents. CONTRACTOR shall maintain all rights and obligations to supervise its employees, however, such personnel shall be subject to direction by the CLIENT'S Chief of Police or his designee with respect to assignments and insuring compliance with Department Policies. Decisions regarding employment, discipline or termination of a CONTRACTOR'S employees shall be made solely by the CONTRACTOR.
5. **CHOICE OF LAW, VENUE:** This Agreement and the rights and obligations of the Parties and their successors and assigns hereunder shall be interpreted, construed, and enforced in accordance with the laws of the State of New York without regard to its choice and/or conflict of laws provisions. Any legal action resulting from, arising under, out of or in connection with, directly or indirectly, this Agreement shall be commenced exclusively in the Supreme Court, State of New York, County of Dutchess or the U.S. District Court for the Southern District of New York. All parties to this Agreement hereby submit themselves to the jurisdiction of any such court and agree that service of process on them in any such action, suit or proceeding may be affected by the means by which notices are to be given under this Agreement.
6. **NOTICES:** All notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given if delivered by hand or mailed, express, certified or registered mail, return receipt requested, with postage prepaid, or sent priority next day delivery by a nationally recognized overnight courier service that regularly maintains records of items picked up and delivered to the parties at the addresses first set forth above or to such other person or address as a party shall notify the other in writing. Notices delivered personally shall be deemed communicated as of the date of actual receipt, mailed notices shall be deemed communicated as of the date three (3) business days after mailing, and notices sent by courier shall be deemed communicated as of the date two (2) business days after pick-up.
7. **TAX EXEMPTION:** CLIENT is a tax-exempt entity under the rules of the Internal

Revenue Service and will provide CONTRACTOR with a copy of its tax-exempt status upon request.

8. **ENTIRE AGREEMENT:** This Agreement contains the entire terms and obligations between the Parties as to subject matter herein and supersedes all prior agreements whether oral or written between the parties hereto. This Agreement may be modified only by a written instrument signed by the Parties.
9. **COUNTERPARTS:** This Agreement may be executed in counterparts each of which shall be deemed an original and all of which taken together shall constitute one and the same agreement. Delivery of an executed counterpart of this Agreement by facsimile or email shall be equally as effective as delivery of a manually executed counterpart of this Agreement.
10. **INSURANCE REQUIREMENTS:**
 - A. Prior to commencement of any services, the CONTRACTOR shall, at its sole expense, maintain the following insurance on its own behalf, and on behalf of any Mental Health Worker Intensive Case Management employee:
 - (i) Worker's Compensation and Employers Liability Policy, covering operations in New York State. Policy shall include all employees, volunteers, owners/partners and provide statutory Workers Compensation limits.
 - (ii) General Liability Policy, with limits of no less than \$1,000,000 each occurrence/\$2,000,000 annual aggregate limits for Bodily Injury and Property Damage. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, CONTRACTOR waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents. The City of Beacon and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (iii) Umbrella Liability, with limits of no less than \$1,000,000, including coverage for General, Automobile and Professional Liability. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, CONTRACTOR waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents.
 - (iv) Professional Liability, with limits of no less than \$1,000,000.

- B. All insurance coverages must be from an A.M. Best Rated “secured” (B+-A++), New York State admitted insurer.
 - C. Certificates shall provide that thirty (30) days written notice, by registered mail with return receipt requested, prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during term of work shall be recertified and received by the City no less than thirty (30) days prior to expiration or cancellation.
 - D. The CONTRACTOR shall furnish to the City of Beacon Certificates of Insurance as evidence of coverage and proof of Workers Compensation coverage prior to commencement of any services and naming the City, its officers, officials and employees as an Additional Insured on the Commercial General Liability, Umbrella and Professional Liability Policies.
11. **DEFENSE AND INDEMNIFICATION:** CONTRACTOR shall hold the CLIENT harmless from, defend and indemnify it against all damages, losses, expenses (including, without limitation, reasonable attorneys’ fees and disbursements) and liability for injury to, or death of, persons or property caused by or arising from its performance or lack of performance under this Agreement. The CONTRACTOR shall pay all costs (including, without limitation, reasonable attorneys’ fees and disbursements) that may be incurred by the CLIENT in enforcing this indemnity. The CLIENT may, at its own expense, retain separate counsel and participate in any suit or action.
12. **CONFIDENTIAL INFORMATION:** CONTRACTOR understands that in performing the services under this Agreement it may have access to or acquire confidential information in possession of the CLIENT or others, including, but not limited to names, facts or information about individuals, businesses and families. CONTRACTOR may also have access to or acquire confidential information, potentially including but not limited to personnel information and records; confidential business information; trade secrets; information regarding sensitive, confidential or internal CLIENT matters and other protected information or data. It is agreed that the definition of confidential information includes all documentary, electronic or oral information made known to CONTRACTOR through any activity related to this Agreement, except information available to CONTRACTOR from third parties on an unrestricted basis. CONTRACTOR agrees it, its officers, employees and/or agents shall keep all confidential information in a secure place and further agrees not to publish, communicate, divulge, use, or disclose, for their own benefit or for the benefit of another, either during or after the performance of this Agreement, the content of such confidential information, directly or indirectly to any third-party, except as explicitly provided for in this Agreement or as explicitly authorized in writing by the CLIENT. CONTRACTOR understands that any unauthorized disclosure, publication and/or communication of such confidential information shall be considered a breach of this Agreement. CONTRACTOR agrees that if it receives a request for disclosure of confidential information obtained from the CLIENT pursuant to a statute, subpoena or court order, it shall

notify the CLIENT prior to disclosing the CLIENT's confidential information, unless providing notice of the disclosure is expressly prohibited by the statute, subpoena or court order. The Parties further agree that the terms and conditions set forth in this Confidentiality section shall survive the expiration and/or termination of this Agreement.

13. **NON-DISCRIMINATION REQUIREMENTS:** The CONTRACTOR agrees for itself, and its successors and assigns that the CONTRACTOR shall not discriminate in the performance of its obligations under this Agreement upon the basis of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.
14. **BREACH OF CONTRACT:** In the event of a material breach of any of the terms of this Agreement, the non-breaching party shall notify the breaching party in writing specifying the breach. The breaching party shall have ten (10) days from the date of written notice (the "Cure Period") to cure the breach. If the breach has not been cured within the Cure Period, then at its option the non-breaching party may either terminate this Agreement by sending written notice thereof to the breaching party or it may institute any proceedings necessary to obtain such remedy as it deems desirable, including but not limited to proceedings to compel specific performance.
15. **ENFORCED DELAY:** For purposes of this Agreement, neither party shall be considered in default of its obligations provided for herein in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, force majeure, acts of the public enemy, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors and suppliers due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the party shall be extended for the period of the enforced delay.
16. **WAIVER:** No waiver made by either party with respect to the performance, or manner or time thereof, or any obligation of the other party or any condition to its own obligation hereunder shall be considered a waiver of any of the rights of that party with respect to any other default or breach. No such waiver shall be valid unless it is in writing duly signed by the party waiving the right or rights.
17. **SEVERABILITY:** If any term or provision of this Agreement shall to any extent be held to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and in force to the fullest extent permitted by law. This Agreement shall be governed by and construed under the laws of the State of New York.
18. **NON-ASSIGNMENT:** This Contract may not be assigned, transferred or pledged

by CONTRACTOR without the written consent of the CLIENT, which consent may be withheld at the discretion of the CLIENT.

19. **TERMINATION:** Either party to this Agreement may immediately terminate the same, with or without cause, at any time upon written notice to the other.

The signing of the enclosed copy and returning to CONTRACTOR will indicate the CLIENT'S acceptance of this Agreement, and the Terms and Conditions contained therein.

Accepted by:

MENTAL HEALTH AMERICA OF.
DUTCHESS COUNTY

CITY OF BEACON

Name: Andrew O'Grady, LCSW-R
Title: CEO
Date:

Name: **Christopher White**
Title: CITY ADMINISTRATOR
Date:

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Accepting Easement for Van Nydeck Municipal Parking Lot

ATTACHMENTS

Resolution Accepting Easement for Van Nydeck Municipal Parking Lot

Van Nydeck Municipal Parking Lot Easement Agreement

Memorandum to the City Council Regarding Van Nydeck Municipal Parking Lot Easement

469 Main Street Survey

TP 584

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION ACCEPTING EASEMENT
FOR VAN NYDECK MUNICIPAL PARKING LOT

WHEREAS, the City of Beacon is the fee owner of property located at 25 Van Nydeck Avenue identified on the City of Beacon Tax Map as Parcel 6054-37-062739 which property is commonly known as the Van Nydeck Municipal Parking Lot; and

WHEREAS, a portion of the Van Nydeck Municipal Parking Lot extends over the lot line of adjoining property located at 469 Main Street identified on the City of Beacon Tax Map as Parcel 6054-37-075738; and

WHEREAS, the owners of 469 Main Street have offered to grant the City of Beacon an easement to access and maintain the portion of the Van Nydeck Municipal Parking Lot which extends into 469 Main Street and has submitted an easement for that purpose.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Easement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer.

Resolution No. _____ of 2021			Date: <u>February 16, 2021</u>				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

VAN NYDECK MUNICIPAL PARKING LOT
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this ____ day of January, 2021,
by and between:

DAVID RICH AND PAULETTE MYERS-RICH, residing at 469 Main Street,
Beacon, New York 12508 (hereinafter known as “the Grantor”)

-and-

CITY OF BEACON, a New York Municipal Corporation with an office for
the transaction of business located at 1 Municipal Plaza, Beacon, New York 12508
(hereinafter known as “the City”),

WITNESSETH:

WHEREAS, the party of the first part is the fee owner of 469 Main Street,
Beacon, New York, 12508, identified on the City of Beacon Tax Map as Parcel #
130200-6054-37-075738 (the “Property”) more particularly described on the Survey
entitled “Survey of Property Prepared for David Rich and Paulette Myers-Rich”
dated March 22, 2016, said premises also being referred to herein as “Servient
Parcel”, and

WHEREAS, the City owns the VanNydeck Municipal Parking Lot (the
“Parking Lot”), which extends over the rear lot line of the Property, and

WHEREAS, party of the first part wishes to grant to the party of the second
part, an easement to access and maintain the portion of the Parking Lot on its
Property, the description of which is attached hereto and made a part hereof and
designated as Schedule “A”, and

WHEREAS, the parties wish to confirm all the rights and liabilities with
reference to said easement.

NOW, THEREFORE, in consideration of the mutual covenants and
promises contained herein and in further consideration of the sum of \$1.00 receipt of
which is covenanted and agreed by and between the parties hereto, as follows:

1. That the Grantor hereby grants to the City and the City hereby accepts, a nonexclusive easement in perpetuity over the portion of the Property where the Parking Lot extends over the rear lot line of the Property, more particularly described in Schedule “A” (the “Easement Area”) for accessing and maintaining the existing portion of the Parking Lot on the Property upon the terms and conditions set forth herein.

2. The City shall care for, maintain and keep in good repair all portions of the Parking Lot located on the Property.

3. The City will hold harmless and indemnify the Grantor, their successors and assigns, including agents, contractors, subcontractors or legal representatives, from and against any and all claims, actions, suits, damages, liabilities, costs and expenses, including, without limitation, reasonable attorney’s fees and disbursements, that arise from injuries to person or property resulting from acts or omissions of the City in performing its obligations hereunder for maintenance within the Easement Area, except to the extent such injuries result from willful misconduct by the Grantor.

4. The party of the first part hereby covenants and agrees that the party of the first part will not in any way block, interfere with or curtail the use of said easement set forth herein.

5. That this easement shall run in perpetuity with the land.

6. That this agreement shall bind the heirs, successors, assigns and next-of-kin of the parties of the first part and party of the second part.

7. That this easement shall not be modified unless accepted in a writing executed and acknowledged by the party of the first part and the party of the second part and recorded in the Office of the Dutchess County Clerk.

8. That the party of the first part shall record this easement at its sole cost and expense in the Office of the Dutchess County Clerk.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and hear first above written.

DAVID RICH

A handwritten signature in cursive script, appearing to read "David Rich", written over a horizontal line.

PAULETTE MYERS-RICH

A handwritten signature in cursive script, appearing to read "Paulette Myers-Rich", written over a horizontal line.

CITY OF BEACON

BY: _____

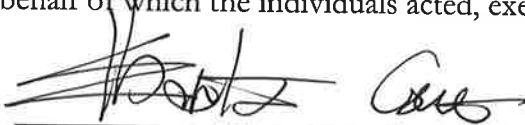
Name: Anthony Ruggiero

Title: City Administrator

ACKNOWLEDGMENTS

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the 12th day of JANUARY in the year 2021, before me, the undersigned, personally appeared DAVID RICH personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.



NOTARY PUBLIC

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28, 2023

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the 12th day of JANUARY in the year 2021, before me, the undersigned, personally appeared PAULETTE MYERS-RICH personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.



NOTARY PUBLIC

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28, 2023

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the day of in the year 2020, before me, the undersigned, personally appeared ANTHONY RUGGIERO, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.

NOTARY PUBLIC

RECORD AND RETURN TO:
Jennifer Gray, Esq.
Keane & Beane PC
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

SCHEDULE A

**Description of Easement Area,
prepared by Lanc & Tully Engineering and Surveying, P.C.,
dated February 3, 2021**

(see attached)

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal
David E. Higgins, P.E., Principal
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal
John Lane, P.E., L.S.
Arthur R. Tully, P.E.

DESCRIPTION
PROPOSED PARKING EASEMENT
LANDS OF CITY OF BEACON
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

FEBRUARY 3, 2021

All that certain plot, piece or parcel of land situate in the City of Beacon, County of Dutchess, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point being the westerly corner of lands herein described, said point being the westerly corner of lands now or formerly City of Beacon (Document No. 22005-3652), the southerly corner of lands now or formerly 465 Beacon Associates, LLC and lying on the northeasterly line of lands now or formerly City of Beacon (Liber 1555 of Deeds at Page 45);

THENCE running along a portion of the southeasterly line of lands of said 465 Beacon Associates, LLC, being the northwesterly line of lands herein described,

- (1) North 40 degrees, 48' 48" East, as per Grid North State Plane Coordinate System New York East, a distance of 2.50 feet, to a point being the northerly corner of lands herein described;

THENCE running through lands of said City of Beacon (Document No. 22005-3652), being northeasterly and southeasterly lines of lands herein described on the following two (2) courses and distances:

- (2) South 49 degrees, 11' 12" East, a distance of 23.50 feet, to a point being the easterly corner of lands herein described; and
- (3) South 40 degrees, 48' 48" West, a distance of 2.50 feet, to a point being the southerly corner of lands herein described and lying on the northeasterly line of lands now or formerly City of Beacon (Liber 1555 of Deeds at Page 45);

THENCE running along a portion of said northeasterly line of said City of Beacon being the southwesterly line of lands herein described,

- (4) North 49 degrees, 11' 12" West, a distance of 23.50 feet, to the point or place of BEGINNING.

Containing 0.001± acres

DESCRIPTION
PROPOSED PARKING EASEMENT
LANDS OF CITY OF BEACON
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

FEBRUARY 3, 2021

Premises herein described being a portion of Tax Map Lot No. 075738, in Block 37, within Section 6054, as shown on the Tax Maps of the City of Beacon, Dutchess County, New York dated 2020.

Premises herein described being a portion of the same premises as described in Document No. 22005-3652, as filed in the Dutchess County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

- Main Office
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868
- Mid-Hudson Office
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120
- New York City Office
505 Park Avenue
New York, NY 10022
Phone 646.794.5747

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FROM: Keane & Beane, P.C.

RE: Van Nydeck Parking Lot Easement

DATE: January 22, 2021

The owners of 469 Main Street were recently before the City Planning Board for approval of a minor addition to the existing building. During review of the application, it was identified that a portion of the Van Nydeck Municipal Parking Lot extends into the rear of 469 Main Street. The encroachment consists of concrete curbing and pavement.

The owners of 469 Main Street have signed an easement which would grant to the City the right to allow that portion of the Van Nydeck Municipal Parking Lot to remain on 469 Main Street. The easement has been provided for your review. Also provided is a copy of the "Survey of Property Prepared for David Rich and Paulette Myers-Rich," dated March 17, 2016, prepared by TEC Land Surveying, which depicts the encroachment at the rear of the property. Either the survey or a metes and bounds description of the easement area will serve as "Schedule A" which will describe the easement area.

If acceptable to the Council, a resolution will be prepared for your consideration at your next meeting to accept the easement and authorize the City Administrator to sign the easement and recording forms to allow the easement to be recorded in the Dutchess County Clerk's Office.

SURVEY NOTES

1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. Subject to the findings of a current title search.
8. Subject to covenants, easements, restrictions, conditions and agreements of record.
9. Subject to any right, title or interest the public may have for highway use.

DEED REFERENCE

Document# 22005-3652
Robert H Schilling
To
Artamus Investment Group Inc
May 3, 2005

TAX PARCEL NUMBER

City of Beacon, Dutchess County, New York
130200-6054-37-075738-0000

AREA

5000 Square Feet
0.11 Acres

CERTIFICATIONS

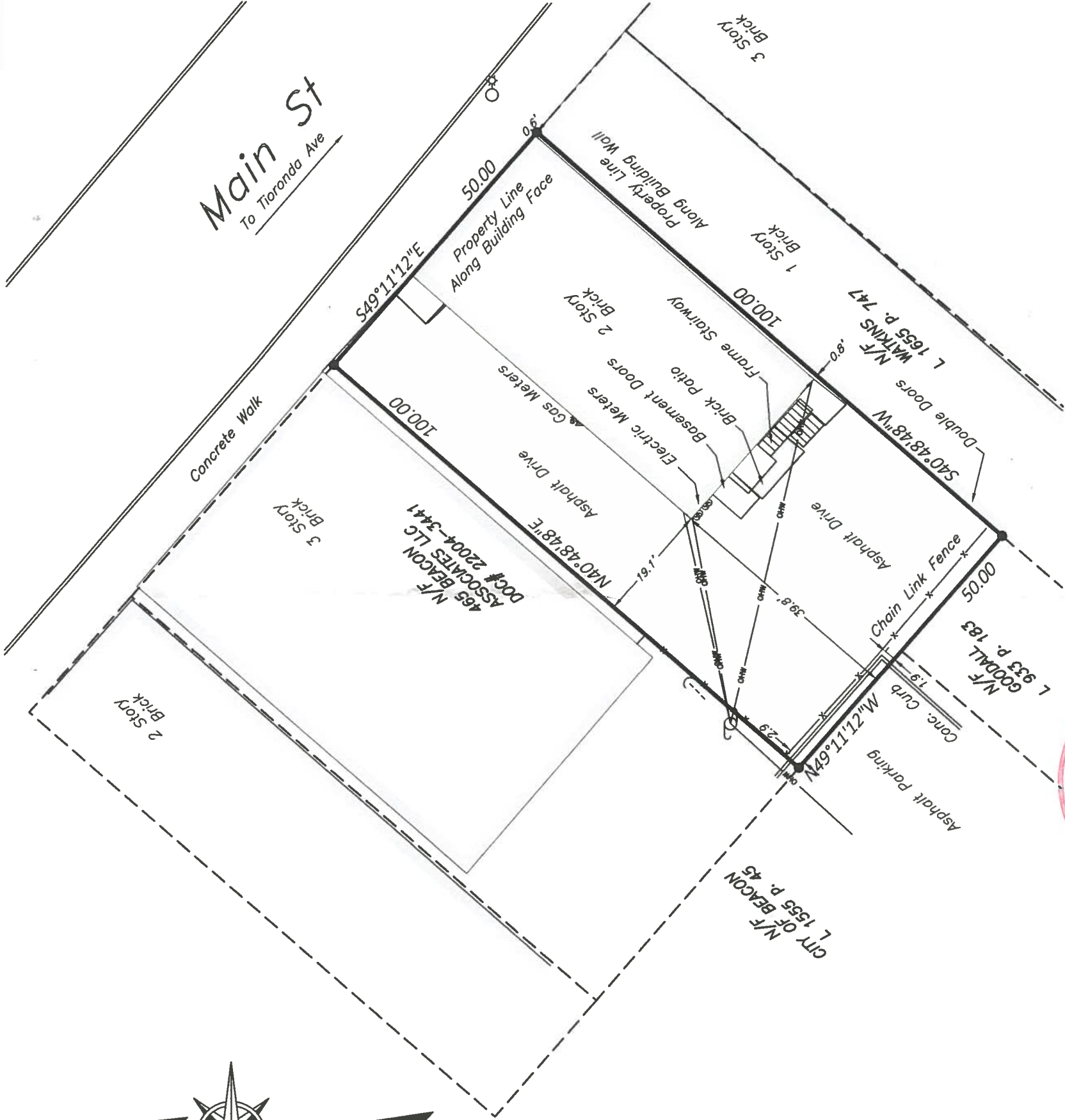
Paulette Myers-Rich
David Rich

DATES OF SURVEY

Field Completion: 2-22-2016
Map Completion: 3-17-2016

TEC LAND SURVEYING

15C TIORONDA AVE. BEACON, NY 12508
PH: 845.445.6590 FX: 845.445.6591



VICINITY MAP



NOT TO SCALE

469 MAIN STREET

SURVEY OF PROPERTY
PREPARED FOR
DAVID RICH AND PAULETTE MYERS-RICH

CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK



THOMAS E. CERCHIARA, P.L.S.
P.L.S. No. 50732

tax id	6054-37-075738
address	469 MAIN ST
date	3/17/2016
drawn	RA
scale	1"= 20'
checked	TC
project no.	16-014
project name	469 MAIN ST
sheet	1 OF 1



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax



See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor	Name (if individual, last, first, middle initial) (☒ mark an X if more than one grantor)	Social Security number (SSN)
☒ Individual	Rich, David et al.	
☐ Corporation	Mailing address	SSN
☐ Partnership	469 Main Street	
☐ Estate/Trust	City State ZIP code	Employer Identification Number (EIN)
☐ Single member LLC	Beacon New York 12508	
☐ Multi-member LLC	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
☐ Other		
Grantee/Transferee	Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantee)	SSN
☐ Individual	City of Beacon, a NY Municipal Corporation	
☒ Corporation	Mailing address	SSN
☐ Partnership	1 Municipal Plaza	
☐ Estate/Trust	City State ZIP code	EIN
☐ Single member LLC	Beacon New York 12508	14 6002076
☐ Multi-member LLC	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN
☐ Other		

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
6054-37-075738	130200	469 Main Street	Beacon	Dutchess

Type of property conveyed (mark an X in applicable box)

1 ☐ One- to three-family house	6 ☐ Apartment building	Date of conveyance <table border="1"><tr><td>02</td><td></td><td>2021</td></tr><tr><td>month</td><td>day</td><td>year</td></tr></table>	02		2021	month	day	year	Percentage of real property conveyed which is residential real property <u>100</u> % (see instructions)
02			2021						
month	day		year						
2 ☐ Residential cooperative	7 ☐ Office building								
3 ☐ Residential condominium	8 ☐ Four-family dwelling								
4 ☐ Vacant land	9 ☐ Other _____								
5 ☒ Commercial/industrial									

**Condition of conveyance
(mark an X in all that apply)**

a. ☐ Conveyance of fee interest	f. ☐ Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	l. ☐ Option assignment or surrender
b. ☐ Acquisition of a controlling interest (state percentage acquired _____ %)	g. ☐ Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. ☐ Leasehold assignment or surrender
c. ☐ Transfer of a controlling interest (state percentage transferred _____ %)	h. ☐ Conveyance of cooperative apartment(s)	n. ☐ Leasehold grant
d. ☐ Conveyance to cooperative housing corporation	i. ☐ Syndication	o. ☒ Conveyance of an easement
e. ☐ Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. ☐ Conveyance of air rights or development rights	p. ☐ Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3)
	k. ☐ Contract assignment	q. ☐ Conveyance of property partly within and partly outside the state
		r. ☐ Conveyance pursuant to divorce or separation
		s. ☐ Other (describe) _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$ _____		
	Schedule B, Part 2 \$ _____		

Schedule B – Real estate transfer tax return (Tax Law Article 31)**Part 1 – Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) ☐ **Exemption claimed**

2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)

3 Taxable consideration (subtract line 2 from line 1)

4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3

5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)

6 Total tax due* (subtract line 5 from line 4)

1.		0	00
2.		0	00
3.		0	00
4.		0	00
5.		0	00
6.		0	00

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

1 Enter amount of consideration for conveyance (from Part 1, line 1)

2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...

3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☐
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d ☐
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F f ☐
- g. Conveyance consists of deed of partition g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k ☐

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)**Complete the following only if the interest being transferred is a fee simple interest.**This is to certify that: *(mark an X in the appropriate box)*

1. ☐ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
 2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

 - e ☐ Other *(attach detailed explanation)*.
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. *(Make check payable to county clerk where deed will be recorded.)*

Signature (both the grantors and grantees must sign)

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

City of Beacon

_____ Grantor signature David Rich	_____ Title 	_____ Grantee signature Chris White	_____ City Administrator Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Attachment

Grantors/Transferors (continued):

Grantor/Transferor 2: Paulette Myers-Rich

Grantor Type: Individual

Mailing Address: 469 Main Street, Beacon, New York 12508

Signatories:

Paulette Myers-Rich

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Adopting a Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon Concerning Wireless Telecommunication Services Facilities

ATTACHMENTS

Resolution Adopting a Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon Concerning Wireless Telecommunication Services Facilities

Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon Concerning Wireless Telecommunication Services Facilities



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2021

**RESOLUTION ADOPTING A PROPOSED LOCAL LAW TO AMEND CHAPTER 223,
SECTIONS 24.5, 26.4, 25, 41.4, 41.18 AND 41.21 OF THE CODE OF THE CITY OF BEACON
CONCERNING WIRELESS TELECOMMUNICATION SERVICES FACILITIES**

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Beacon City Council hereby adopts the Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon concerning wireless telecommunication services facilities.

Resolution No. ____ of 2021			Date: <u>February 16, 2021</u>				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

DRAFT LOCAL LAW NO. ____ OF 2021

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTIONS 24.5, 26.4, 25, 41.4, 41.18 AND 41.21 THE CODE
OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, SECTIONS 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon concerning wireless telecommunication services facilities.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223, Section 24.5 of the Code of the City of Beacon entitled “Wireless Telecommunication Services Facilities” is hereby repealed in its entirety.

Section 2. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled “Small Cell Wireless Telecommunications Facilities” is hereby repealed in its entirety.

Section 3. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled “Wireless Telecommunications Services Facilities” is hereby created as follows.

§ 223-26.4 Wireless telecommunication services facilities.

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunication services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Comprehensive

Plan.

- (2) The purpose of these regulations is to reasonably control the location, construction, appearance and maintenance of wireless telecommunication services facilities in order to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunication providers.
- B. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon without first filing a wireless telecommunication services facility application with the Planning Board and obtaining approval from the Planning Board. All wireless telecommunication services facilities shall also require site development plan review and approval from the Planning Board in accordance with the provisions of § 223-25.
- C. Exemptions. The provisions of this section shall not apply to:
- (1) Unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building such as, but not limited to, baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.
 - (2) Notwithstanding anything to the contrary in this chapter, an eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure shall not require review under this section. A building permit must be obtained for an eligible facilities request prior to any modification of the eligible support structure.
- D. An application for approval of a wireless telecommunication services facility shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located and shall contain the following.
- (1) A site development plan meeting the requirements of § 223-25.B(1).
 - (2) An engineering plan illustrating the design and specifications of the proposed structure and equipment, including location of radios, antenna facilities, transmitters, equipment shelters, cables, conduits, point of demarcation,

transport solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable the design documents should include specifications on design, pole modifications and ADA compliance.

- (3) Where applicable, a load bearing study to determine whether the structure requires reinforcement in order to accommodate the attachment of the proposed wireless telecommunication services facility. If pole reinforcement is warranted, the design documents should include the proposed pole modification.
- (4) The location, size, and height of all existing and proposed structures on the property which is the subject of the application.
- (5) The applicant's name, address, telephone number, and e-mail address.
- (6) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant.
- (7) A descriptive statement of the objective(s) for the new facility or modification thereof including, but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service, or otherwise improving service capabilities.
- (8) The location of the nearest residential structure.
- (9) Identify all existing and proposed wireless telecommunication services facilities which impact the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed, as well as other functionally acceptable, locations for such facility(ies).
- (10) A visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the Planning Board.
- (11) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.
- (12) Where a wireless telecommunication services facility is proposed to be located on lands owned by a party other than the applicant or the City, a copy of the lease

agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the Planning Board and a copy shall be filed with the City Clerk and the Building Inspector.

- (13) For applications concerning small cell facilities, the Planning Board may, in its discretion, waive any of the above application submission requirements that it believes to be unnecessary to determine compliance with this section.

E. Approval procedures for small cell facilities.

- (1) A public hearing may be held by the Planning Board, at its sole discretion, on each application concerning a small cell facility. The Planning Board may waive the public hearing requirement where the Planning Board finds that it is appropriate to do so based on consideration of technological feasibility and visual impacts. Waiving the public hearing requirement on an application concerning a small cell facility, shall also waive the public hearing requirement on the corresponding site development plan application. Public notice of any required public hearing shall be provided by the applicant in accordance with § 223-61.3.
- (2) Time frames for approval.
 - (a) Within 60 calendar days of receipt of a complete application for the collocation of a small cell facility on a preexisting utility pole, monopole or other existing support structure, the Planning Board shall make a final decision on whether to approve, approve with conditions, or deny the application and shall notify the applicant, in writing of such decision.
 - (b) Within 90 calendar days of receipt of a complete application for a small cell facility on a new utility pole, monopole or other new support structure, the Planning Board shall make a final decision on whether to approve, approve with conditions, or deny the application and shall notify the applicant in writing of such decision.
 - (c) Within 10 calendar days of receipt of an incomplete application for a small cell facility, the City shall notify the applicant in writing of any supplemental information required to complete the application. Such notification shall toll the applicable shot clock until the applicant submits the required supplemental information. Upon receipt of an applicant's supplemental

submission which adequately responds to the initial notification of incompleteness by the City, as determined by the Building Inspector, the applicable shot clock will reset to zero and the City shall have the full 60 calendar days or 90 calendar days permitted by law to act on the completed application.

- (d) For any subsequent determinations of incompleteness beyond the initial submission, the City shall notify the applicant of any required supplemental information within 10 days of receipt of the supplemental submission, and such notice shall toll the applicable shot clock until the applicant submits the required supplemental information.

F. Approval procedures for wireless telecommunication services facilities, excluding small cell facilities.

- (1) A public hearing shall be held by the Planning Board on each application concerning a wireless telecommunication services facility. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3.
- (2) Time frames for approval.
 - (a) Within 90 calendar days of receipt of a complete application for the collocation of a wireless telecommunication services facility on a preexisting utility pole, monopole or other existing support structure, the Planning Board shall make a final decision on whether to approve, approve with conditions or deny the application and shall notify the applicant, in writing, of such decision.
 - (b) Within 150 days of receipt of a complete application for a new wireless telecommunication services facility, the Planning Board shall make a final decision on whether to approve, approve with conditions, or deny the application and shall notify the applicant, in writing, of such decision.
 - (c) Within 30 calendar days of receipt of any application for a wireless telecommunication services facility, the City shall notify the applicant, in writing, of any supplemental information required to complete the application. Such notification shall toll the applicable shot clock until the applicant submits the required supplemental information. Upon receipt of an applicant's supplemental submission which adequately responds to the

initial notification of incompleteness by the City, as determined by the Planning Board, the applicable shot clock will reset to zero, and the City shall have the full 90 calendar days or 150 calendar days permitted by law to act on the completed application.

- (d) For any subsequent determinations of incompleteness beyond the initial submission, the City shall notify the applicant of any required supplemental information within 10 days of receipt of the supplemental submission, and such notice shall toll the applicable shot clock until the applicant submits the required supplemental information.
- G. The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and the name of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s). Such information shall be submitted to the City on a form provided by the Building Department of the City of Beacon. Satisfaction of this requirement shall be a condition of approval for any wireless telecommunication services facility.
- H. Application fees. At the time an applicant submits an application for a wireless telecommunication services facility, such applicant shall pay a nonrefundable application fee in an amount determined by the City Council and set forth in the City of Beacon fee schedule, which may be amended, in addition to any other fee required by law.
- I. Reimbursement for the use of the public right-of-way. In addition to application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.
- J. Setbacks. Wireless telecommunication services facilities, except for small cell facilities and those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility to

any property line, whichever shall be greater. Except within the public right-of way, all proposed poles, pole equipment and enclosures installed in connection with a small cell facility shall comply with the minimum setback requirements of the zoning district in which it is located. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination that such setbacks are not necessary based on visual impacts or feasibility.

K. Height limitations. Within the height limitations set forth below, a wireless telecommunication services facility shall not exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve. Coverage requirements, safety, visual impacts, and proximity to occupied buildings are all factors that can be considered in determining the appropriate height.

- (1) The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless telecommunication services facility shall not be placed more than 10 feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed or ten percent taller than the highest point of the adjacent structures if the adjacent structures are taller than the structure to which the antennas and equipment are proposed to be affixed, unless the Planning Board determines that a requested height is required to provide the necessary service and/or capacity (i.e. network densification). Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.
- (2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.
- (3) Applicants must submit documentation justifying the total height.

L. Visual mitigation.

- (1) All wireless telecommunication services facilities shall be sited to have the least adverse visual effect on the environment and its character, on existing vegetation and on any adjacent residential uses in the area of the wireless telecommunication services facility.

- (2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, and surrounding properties to the extent practicable, as determined by the Planning Board.
- (3) No signs shall be erected on any wireless telecommunication services facility except as may be required by the FCC or other governmental agency with jurisdiction over such facilities.
- (4) All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped. All accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
- (5) No wireless telecommunication services facility shall be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the satisfaction of the Planning Board that the selected site is necessary to provide wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.
- (6) The Planning Board may consider alternative locations for equipment.
- (7) The Planning Board shall consider all impacts to designated scenic viewsheds or view locations.
- (8) No wireless telecommunication services facility shall obstruct pedestrian or vehicular traffic in any way.
- (9) Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Towers shall be the structures of last resort.
- (10) All applications for a small cell facility shall comply with the Small Cell Wireless

- Facility Design and Review Guideline Policy, to the maximum extent feasible, and the applicable provisions of this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in the Small Cell Wireless Facility Design and Review Guideline Policy and this subsection relating to an application for, or approval of, a small cell facility. The Wireless Facility Design and Review Guideline Policy shall be created by the Building Inspector, upon consultation with the City Planner, and shall be approved by the Planning Board.
- M. Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the Planning Board. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.
- N. Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state, or local authority.
- O. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the Planning Board. A copy of such certification report shall be submitted to the Planning Board prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The Planning Board may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the Planning Board whenever they are required to be submitted to the FCC. The Planning Board may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees pursuant to § 223-61.1. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.
- P. Utility service. Electrical and land-based telephone lines extended to serve the wireless

telecommunication services facility sites shall be installed underground, unless the Planning Board determines such requirement is not feasible. If the wireless telecommunication services facility is attached to a building, and if determined practical and feasible by the Planning Board, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.

- Q. Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.
- R. Security provisions. A wireless telecommunication services facility shall be designed to prevent unauthorized access and may include the incorporation of physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- S. Structural/safety inspection and report.
 - (1) A monopole or tower over 50 feet in height shall be inspected at least every five years from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.
 - (2) The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, state or federal law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication services facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- T. Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

- U. The Secretary of the Planning Board shall forward a copy of the Planning Board decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.
- V. Duration. Construction must be commenced within 12 months of issuance of the Planning Board's approval and diligently pursued thereafter, or such approval shall expire. The Planning Board may, in its sole discretion, grant a six-month extension upon good cause shown.
- W. Removal, relocation, or modification of wireless telecommunication services facilities in the public right-of-way.
 - (1) Notice. Within 90 days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.
 - (2) Abandonment of facilities. Upon abandonment of a wireless telecommunication services facility within a public right-of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.
 - (3) A wireless telecommunication provider is authorized, after 30 days written notice to the City Building Inspector, to remove its facility at any time from the rights-of-way and cease paying the City the administrative fee.

Section 4. Subsection A of Chapter 223, Section 25 of the Code of the City of Beacon entitled "Site development plan approval" is hereby amended as follows:

§ 223-25 Site development plan approval.

- A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings ~~or small cell wireless telecommunications services~~

facilities, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

...

Section 5. Subsection B of Chapter 223, Section 41.4 of the Code of the City of Beacon entitled “Waterfront Development (WD) Zone” is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

B. Permitted principal uses. Permitted principal uses shall be as follows, subject to a requirement that a minimum of 25% of the total development’s floor area within 400 feet of the train station shall be permitted nonresidential uses, not including artist live/work spaces, which must be built out before or concurrently with any residential development of the site:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily dwelling unit.
- (3) Convenience retail and personal service shop designed to serve the needs of area residents and commuters.
- (4) Restaurant, bar, or brew pub.
- (5) Inn, hotel, fitness center, spa, or day care centers.
- (6) Art, craft, or fine arts gallery.
- (7) Office. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.
- (8) Professional, small business and service facilities in the lower floors of multistory residential buildings.
- (9) Artist live/work spaces.

- (10) Public square, plaza, promenade, or pocket park.
- (11) Public or semipublic use; live theater, concert hall, museum, or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference space or conference center.
- (13) Microbrewery or microdistillery.
- (14) Other use similar to the above uses as determined by resolution of the City Council.
- (15) Wireless telecommunication services facilities, subject to § 223-26.4.

Section 6. Subsection C of Chapter 223, Section 41.4 of the Code of the City of Beacon entitled “Waterfront Development (WD) Zone” is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

C. Special permit uses. The following may require a special permit:

- ~~(1) Wireless telecommunication services facility, subject to § 223-24.5.~~
- ~~(2) Small cell wireless telecommunications facility, subject to § 223-26.4.~~

Section 7. Subsection A of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this §

223-41.18, all such uses require site development plan review and approval. Site development plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor.
- (2) Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223-14.1, or inn.
- (4) Office of any kind, including professional, medical, business, bank, or other financial institution.
- (5) Artist studio.
- (6) Art gallery or exhibit space.
- (7) Restaurant, coffee house, brew pub, bar or other establishment that serves food with or without alcoholic beverages.
- (8) Retail or personal services.
- (9) School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.
- (10) Indoor commercial recreation.
- (11) Park, plaza, green, preserve or community garden.
- (12) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.
- (13) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.

- (14) (Reserved)
- (15) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (16) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.
- (17) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.
- (18) Workshop.
- ~~(19)~~ Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the façade.
- ~~(19)(20)~~ Wireless telecommunication services facilities, subject to § 223-26.4.

Section 8. Subsection B(1) of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.18 Regulations.

...

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the City Council or Planning Board as indicated in §223-17, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through (f) have been met:
 - (a) Food preparation business.
 - (b) Off-street parking lot or parking structure as principal uses, in accordance with § 223-41.18G.
 - ~~(c) Wireless telecommunications facility, subject to §§ 223-24.5 and 223-26.4, provided that, if mounted on a building, it does not increase its height by more than 15 feet above applicable height limits.~~
 - ~~(d)(c)~~ Historic District or Landmark Overlay use, subject to § 223-24.7.

Section 9. Subsection A of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.21 Regulations.

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted in this § 223-41.21. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the façade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection, as identified on the Zoning Map:

- (1) Multifamily dwelling.
- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, preserve or community garden.
- (9) Retail, personal services business, bank, or restaurant, coffee house, bar, brew pub or other establishment that serves food, with or without alcoholic beverages, provided that:
 - (a) The floor area of each such establishment is not greater than 5,000 square feet;
 - (b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map.

- (10) Office, trade school, training program, microbrewery or microdistillery, provided that:
 - (a) The total floor area of each such establishment is no greater than 25,000 square feet;
 - (b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map.
- (11) Government facility, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (12) Day-care center.
- (13) Museum, theater, concert, or conference space.
- (14) College, university, private school, or nursery school.
- (15) Workshop.
- (16) Artist live/work space, provided that, if the use faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection, the residential space shall only be located on the upper stories or at least 50 feet behind the façade in the rear portion of the ground floor, unless the first 50 feet behind the façade is used for the retail sale of the artist’s wares.

(17) Spa, fitness center, or exercise studio.

(18) Wireless telecommunication services facilities, subject to § 223-26.4.

Section 10. Subsection B(1) of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.21 Regulations.

...

B. Uses by special permit.

- (1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City

of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through (f) have been met:

(a) Manufacturing use or food preparation business that may also sell goods made on the site for consumption off the premises, provided that:

[1] The total manufacturing or food preparation business floor area of the building is no greater than 25,000 square feet;

[2] The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

~~(b) Wireless telecommunications services facility, subject to §§ 223-24.5 and 223-26.4, provided that, if mounted on a building, it does not increase the height by more than 15 feet above applicable height limits.~~

~~(c)~~(b) Historic District and Landmark Overlay use, subject to § 23-24.7.

Section 11. Chapter 223 Attachment 2:2 of the Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be amended to designate wireless telecommunication facilities as permitted uses in all zoning districts.

SEE ATTACHED CHART

Section 12. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the Code of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 13. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local

Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 14. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 15. Effective Date

This local law shall take effect immediately filing with the Office of the Secretary of State.

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Authorizing Bid Award to Sun Up Construction for Beacon Main Street Accessibility Improvements (PIN 8761.25) / Beacon Pedestrian Signal Improvements (8761.45)

ATTACHMENTS

Resolution Authorizing Bid Award to Sun Up Construction for Beacon Main Street Accessibility Improvements (PIN 8761.25) / Beacon Pedestrian Signal Improvements (8761.45)

Project Summaries with Scope Reduction

Bid Award Package

Supplemental Agreement

Request for Bid Concurrence

NYSDOT to COB - Concurrence for Bid Award

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

**RESOLUTION AUTHORIZING BID AWARD TO SUN UP CONSTRUCTION
CORP. FOR BEACON MAIN STREET ACCESSIBILITY IMPROVEMENTS
(PIN 8761.25) / BEACON PEDESTRIAN SIGNAL IMPROVEMENTS (8761.45)**

BE IT RESOLVED, that the City Council of the City of Beacon hereby awards the bid for the Beacon Main Street Accessibility Improvements (PIN 8761.25) and Beacon Pedestrian Signal Improvements (PIN 8761.45) in the amount of \$1,965,307.31 to Sun Up Construction Corp. as the lowest responsible bidder at the bid opening on January 30, 2020. This bid award is contingent upon New York State Department of Transportation approval of the award and will be subject to a scope reduction after award to ensure project costs remain under the budget construction amount of \$1,201,081.64.

Resolution No. _____ of 2021			Date: <u>February 16, 2021</u>				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

Project Summaries with Scope Reduction

PIN 8761.25 Main Street Pedestrian Improvements:

This project includes the construction of curb “bump-outs” and new ADA ramps at intersections along Main Street to improve pedestrian safety and accessibility. The installation of the bump-outs includes drainage modifications, new curbs, brick pavers to match existing brick west of Walnut St., and new concrete sidewalks.

Intersections included are:

1. Cross St.
2. Willow St.
3. Walnut St.
4. Cedar St.
5. Eliza St.
6. Veterans Pl.

PIN 8761.45 Pedestrian Signal Improvements:

This project includes the installation of pedestrian signal equipment at 4 intersections throughout the City and the complete replacement of the traffic signal at South Ave. and Wolcott Ave.

1. South/Wolcott – remove and replace traffic signal and install pedestrian activated crossing signals
2. Main/Teller – install new countdown timers and pedestrian pushbuttons
3. Main/Chestnut – install new countdown timers and pedestrian pushbuttons
4. Verplanck/Matteawan – install new countdown timers and pedestrian pushbuttons
5. Verplanck/Fishkill – install new countdown timers and pedestrian pushbuttons

Low Bid: \$1,965,307.31 (Sun Up Construction Corp.)

Estimated total with scope reduction: \$1,201,081.64

BID AWARD PACKAGE

Beacon Main Street Accessibility Improvements/ Beacon Pedestrian Signal Improvements

PINs 8761.25/8761.45

City of Beacon, Dutchess County



Prepared by:



**560 Route 52, Suite 201
Beacon, NY 12508**

December 2020



CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.

City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

BID OPENING, VERIFICATION AND SPONSOR RECOMMENDATION LETTER Support for Concurrence in Award

December 22, 2020

Orietta Trocard, P.E.
NYSDOT Region 8
4 Burnett Boulevard
Poughkeepsie, NY 12603

**RE: AWARD DOCUMENTATION
PINs 8761.25/8761.45 BEACON MAIN STREET ACCESSIBILITY IMPROVEMENTS
AND BEACON PEDESTRIAN SIGNAL IMPROVEMENTS
BID OPENING, ANALYSIS, CERTIFICATION, AND RECOMMENDATION**

Dear Ms. Trocard:

In accordance with Chapter 14 of NYSDOT's Local Projects Manual (LPM), the City of Beacon has advertised, accepted bids, and completed the award process for the construction contract for the above-referenced locally-administered federal aid project including:

- Advertised, at least 15 business days before the bid opening in the NYS Contract Reporter;
- Indicated the Disadvantaged Business Enterprise (DBE) goals in the ad;
- Opened bids and read them aloud in a public forum in accordance with standard competitive bidding procedures and requirements;
- Mathematically verified bids and determined if bids are responsive;
- Provided a tabulation of all bids received at a public bid opening (attached);
- Determined low bidder and, if applicable, the low bidder in accordance with approved alternate bidding procedures, if used;
- Evaluated responsibility of the low bidder in accordance with Section 14.4.1 of the LPM;
- Analyzed bids in accordance with Section 14.4.2 of the LPM (attached);
- Evaluated and ensured appropriate DBE participation by DBE firms listed on NYSDOT registry prior to award;
- Completed all outstanding items, if any, which were incomplete at the time Authorization to Proceed with Advertisement was issued (Right-of-Way, permits, Construction Management Plan, etc.);
- Submitted the Contract Award Documentation Package with the checklist, described in Section 14.7 of the LPM to the RLPL;
- All environmental permits and approvals have been secured except those identified in the contract documents as needing to be obtained and secured by the contractor;

AWARD DOCUMENTATION**-2-****8761.25/8761.45**

The following information is provided:

- Project authorized for advertising by City of Beacon on December 16, 2019;
- Project advertised for 26 business days beginning on December 19, 2019
- Bid Opening was January 30, 2020;
- Contract Number is [LO OSC Contract Number];
- 2 bids were received;
- 3 plan holders;
- The computation of bids was verified by: HVEA Engineers on: 12/22/20
- The construction is being inspected by: HVEA Engineers

Engineer's Estimate: \$ 1,854,110.25 DBE or [M/WBE] Goal 0%

Bidders in rank order:

Rank	<u>Bidder Name</u>	<u>Bid Amount</u>
1	Sun Up Construction Corp.	\$1,965,307.31
2	Gianfia Construction	\$2,220,800.95

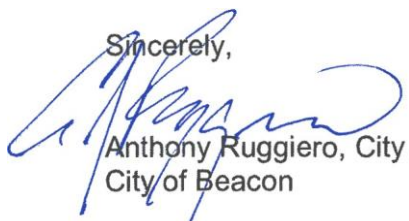
The Lowest Responsible Bidder: Sun Up Construction Corp. Low Bid:\$1,965,307.31

Total Bid	
Federal Share is	\$963,000.00
State share (if applicable) is	\$0
Local share (if applicable) is	\$1,002,307.31

(X) I recommend the award of the above contract to the lowest responsible bidder.

() I recommend the rejection of all bids.

Sincerely,



Anthony Ruggiero, City Administrator
City of Beacon

Attachments:

Appendix 14-3, Locally Administered Project Contract Award Checklist and documents
Appendix 14-4, Tabulation of Bids
Bid Analysis
Low Bidder Responsibility

Appendix 14-4 TABULATION OF BIDS											
PIN: 8761.25/8761.45 Project: Beacon Signal and Pedestrian Safety Improvements Letting Date: January 30, 2020 Sponsor: City of Beacon						Date: 12/22/20 Bids Verified By: Catherine Romano					
Item	Item Description	Unit	Quantity	Unit Price	Engineer's Estimate	Sun Up Construction Corp			Gianfia Construction		
						Quantity	Unit Price	Total Cost	Quantity	Unit Price	Total Cost
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	425	\$40.00	\$17,000.00	425	\$129.00	\$54,825.00	425	\$190.00	\$80,750.00
203.07	SELECT GRANULAR FILL	CY	316	\$40.00	\$12,640.00	316	\$38.50	\$12,166.00	316	\$90.00	\$28,440.00
204.01	CONTROLLED LOW STRENGTH MATERIAL (CLSM)	CY	2	\$165.00	\$330.00	2	\$220.00	\$440.00	2	\$155.00	\$310.00
206.0201	TRENCH AND CULVERT EXCAVATION	CY	488	\$30.00	\$14,640.00	488	\$11.00	\$5,368.00	488	\$200.00	\$97,600.00
206.03	CONDUIT EXCAVATION AND BACKFILL INCLUDING SURFACE RESTORATION	LF	355	\$20.00	\$7,100.00	355	\$24.00	\$8,520.00	355	\$90.00	\$31,950.00
206.05	TEST PIT EXCAVATION	EACH	45	\$1,000.00	\$45,000.00	45	\$1,800.00	\$81,000.00	45	\$1,550.00	\$69,750.00
209.11010011	TEMPORARY CATCH BASIN INSERTS FOR DRAINAGE STRUCTURES TRASH, SEDIMENT AND DEBRIS REMOVAL	EACH	28	\$200.00	\$5,600.00	28	\$200.00	\$5,600.00	28	\$260.00	\$7,280.00
304.11000008	SUBBASE COURSE (MODIFIED)	CY	554	\$60.00	\$33,240.00	554	\$71.50	\$39,611.00	554	\$75.00	\$41,550.00
402.128103	12.5 F1 TOP COURSE HMA, 80 SERIES COMPACTION	TON	32	\$200.00	\$6,400.00	32	\$895.00	\$28,640.00	32	\$580.00	\$18,560.00
402.198903	19 F9 BINDER COURSE HMA, 80 SERIES COMPACTION	TON	23	\$150.00	\$3,450.00	23	\$650.00	\$14,950.00	23	\$350.00	\$8,050.00
402.378903	37.5 F9 BASE COURSE HMA, 80 SERIES COMPACTION	TON	78	\$125.00	\$9,750.00	78	\$650.00	\$50,700.00	78	\$250.00	\$19,500.00
407.0103	STRAIGHT TACK COAT	GAL	33	\$5.00	\$165.00	33	\$5.00	\$165.00	33	\$25.00	\$825.00
503.1010	PCC FOUNDATION FOR PAVEMENT, CLASS C	CY	56	\$275.00	\$15,400.00	56	\$220.00	\$12,320.00	56	\$645.00	\$36,120.00
520.50000004	SAWING CONCRETE	LF	1562	\$5.00	\$7,810.00	1562	\$9.00	\$14,058.00	1562	\$9.00	\$14,058.00
552.17	SHIELDS AND SHORING	SF	3646	\$1.00	\$3,646.00	3646	\$1.00	\$3,646.00	3646	\$13.00	\$47,398.00
603.6003	REINFORCED CONCRETE PIPE CLASS III, 18 INCH DIAMETER	LF	116	\$125.00	\$14,500.00	116	\$185.00	\$21,460.00	116	\$260.00	\$30,160.00
603.6202	REINFORCED CONCRETE PIPE CLASS V, 15 INCH DIAMETER	LF	112	\$200.00	\$22,400.00	112	\$190.00	\$21,280.00	112	\$235.00	\$26,320.00
603.6203	REINFORCED CONCRETE PIPE CLASS V, 18 INCH DIAMETER	LF	78	\$225.00	\$17,550.00	78	\$192.00	\$14,976.00	78	\$205.00	\$15,990.00
603.77	CONCRETE COLLARS	EACH	4	\$1,000.00	\$4,000.00	4	\$1,100.00	\$4,400.00	4		\$0.00
604.070801	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070802	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070803	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070804	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070805	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070806	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070807	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070808	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070809	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.13000011	ABANDONING DRAINAGE STRUCTURES	EACH	1	\$2,500.00	\$2,500.00	1	\$880.00	\$880.00	1	\$920.00	\$920.00
604.300673	RECTANGULAR DRAINAGE STRUCTURE TYPE F FOR CAST IRON F3 FRAME	LF	6	\$550.00	\$3,300.00	6	\$676.00	\$4,056.00	6	\$700.00	\$4,200.00
604.300773	RECTANGULAR DRAINAGE STRUCTURE TYPE G FOR CAST IRON F3 FRAME	LF	4	\$450.00	\$1,800.00	4	\$780.00	\$3,120.00	4	\$1,200.00	\$4,800.00
604.301873	RECTANGULAR DRAINAGE STRUCTURE TYPE R FOR CAST IRON F3 FRAME	LF	67	\$600.00	\$40,200.00	67	\$600.00	\$40,200.00	67	\$650.00	\$43,550.00
604.302122	RECTANGULAR DRAINAGE STRUCTURE TYPE U FOR #22 WELDED FRAME	LF	6	\$500.00	\$3,000.00	6	\$611.00	\$3,666.00	6	\$640.00	\$3,840.00
604.4060	ROUND PRECAST CONCRETE MANHOLE TYPE 60	LF	18	\$1,000.00	\$18,000.00	18	\$590.00	\$10,620.00	18	\$1,000.00	\$18,000.00
604.4072	ROUND PRECAST CONCRETE MANHOLE TYPE 72	LF	13	\$1,200.00	\$15,600.00	13	\$711.00	\$9,243.00	13	\$1,050.00	\$13,650.00
608.0101	CONCRETE SIDEWALKS AND DRIVEWAYS	CY	189	\$650.00	\$122,850.00	189	\$990.00	\$187,110.00	189	\$1,375.00	\$259,875.00
608.04	BRICK PAVED SIDEWALK AND DRIVEWAYS(MORTAR SETTING BED)	SY	108	\$200.00	\$21,600.00	108	\$825.00	\$89,100.00	108	\$375.00	\$40,500.00
608.21	EMBEDDED DETECTABLE WARNING UNITS	SY	70	\$350.00	\$24,500.00	70	\$440.00	\$30,800.00	70	\$330.00	\$23,100.00
609.0201	STONE CURB, GRANITE, (TYPE A)	LF	1680	\$35.00	\$58,800.00	1680	\$110.00	\$184,800.00	1680	\$140.00	\$235,200.00
609.0401	CAST-IN-PLACE CONCRETE CURB TYPE VF150	LF	402	\$35.00	\$14,070.00	402	\$88.00	\$35,376.00	402	\$80.00	\$32,160.00
615.02010124	REMOVE, STORE AND RESET BENCH, TYPE 01	EACH	1	\$400.00	\$400.00	1	\$2,200.00	\$2,200.00	1	\$535.00	\$535.00
619.01	BASIC WORK ZONE TRAFFIC CONTROL	LS	1	\$105,000.00	\$105,000.00	1	\$300,000.00	\$300,000.00	1	\$187,000.00	\$187,000.00
619.080101	REMOVE PAVEMENT MARKING STRIPES, TRAFFIC PAINT	LF	7400	\$1.00	\$7,400.00	7400	\$0.80	\$5,920.00	7400	\$0.75	\$5,550.00
619.1613	MAINTAIN TRAFFIC SIGNAL EQUIPMENT (REQUIREMENT C)	INTM	3	\$1.50	\$4.50	3	\$525.00	\$1,575.00	3	\$200.00	\$600.00
625.01	SURVEY OPERATIONS	LS	1	\$30,000.00	\$30,000.00	1	\$58,000.00	\$58,000.00	1	\$50,000.00	\$50,000.00
627.50140008	CUTTING PAVEMENT	LF	2612	\$3.00	\$7,836.00	2612	\$8.80	\$22,985.60	2612	\$4.25	\$11,101.00
637.11	ENGINEER'S FIELD OFFICE - TYPE 1	MNTH	8	\$2,750.00	\$22,000.00	8	\$3,300.00	\$26,400.00	8	\$5,100.00	\$40,800.00
637.34	OFFICE TECHNOLOGY AND SUPPLIES	DC	5000	\$1.00	\$5,000.00	5000	\$1.00	\$5,000.00	5000	\$1.00	\$5,000.00
645.5101	GROUND-MOUNTED SIGN PANELS WITHOUT Z-BARS	SF	39	\$40.00	\$1,560.00	39	\$47.00	\$1,833.00	39	\$70.00	\$2,730.00
645.5102	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS	SF	143	\$30.00	\$4,290.00	143	\$40.00	\$5,720.00	143	\$75.00	\$10,725.00
645.5202	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS, HIGH-VISIBILITY SHEETING	SF	470	\$30.00	\$14,100.00	470	\$36.00	\$16,920.00	470	\$75.00	\$35,250.00
645.81	TYPE A SIGN POSTS	EACH	101	\$135.00	\$13,635.00	101	\$230.00	\$23,230.00	101	\$190.00	\$19,190.00
645.81020003	RETROREFLECTIVE SIGN POST STRIP	EACH	72	\$60.00	\$4,320.00	72	\$57.00	\$4,104.00	72	\$40.00	\$2,880.00
645.85	POLE MOUNTED SIGN SUPPORT SYSTEM (BAND MOUNTED)	EACH	4	\$200.00	\$800.00	4	\$79.00	\$316.00	4	\$100.00	\$400.00
647.31	RELOCATE SIGN PANEL, SIGN PANEL ASSEMBLY SIZE I (UNDER 30 SQUARE FEET)	EACH	1	\$200.00	\$200.00	1	\$480.00	\$480.00	1	\$350.00	\$350.00
647.61	REM AND DISPOSE GROUND MOUNTED TYPE A SIGN SUPPORT(S), FDNS AND ANY ATTACHED SIGNS - SIZE I (UNDER 30 SQUARE FEET)	EACH	23	\$20.00	\$460.00	23	\$236.00	\$5,428.00	23	\$100.00	\$2,300.00
655.0706	CAST FRAME F3, UNMOUNTABLE CURB BOX CUJ3 & RETICULINE GRATE G3	EACH	16	\$1,750.00	\$28,000.00	16	\$2,200.00	\$35,200.00	16	\$2,600.00	\$41,600.00
655.1122	WELDED FRAME AND RETICULINE GRATE 22	EACH	1	\$2,000.00	\$2,000.00	1	\$1,620.00	\$1,620.00	1	\$1,590.00	\$1,590.00
655.1202	MANHOLE FRAME AND COVER	EACH	5	\$850.00	\$4,250.00	5	\$1,040.00	\$5,200.00	5	\$1,060.00	\$5,300.00
660.65000101	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000201	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000301	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000401	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000501	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00

TABULATION OF BIDS

Date: 12/22/20

Bids Verified By: Catherine Romano

PIN:
Project:
Letting Date:
Sponsor:

8761.25/8761.45
Beacon Signal and Pedestrian Safety Improvements
January 30, 2020
City of Beacon

						Sun Up Construction Corp			Gianfla Construction		
Item	Item Description	Unit	Quantity	Unit Price	Engineer's Estimate	Quantity	Unit Price	Total Cost	Quantity	Unit Price	Total Cost
660.65000601	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000701	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000801	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000901	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001001	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001101	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001201	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001301	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001401	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001501	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001601	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001701	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65001801	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
662.60030008	ALTERING ELEVATION OF GAS VALVE BOXES	EACH	6	\$450.00	\$2,700.00	6	\$165.00	\$990.00	6	\$415.00	\$2,490.00
663.33	ADJUST EXISTING VALVE BOX ELEVATION	EACH	16	\$250.00	\$4,000.00	16	\$165.00	\$2,640.00	16	\$415.00	\$6,640.00
663.34	ADJUST EXISTING HYDRANT ELEVATION	EACH	3	\$1,000.00	\$3,000.00	3	\$4,700.00	\$14,100.00	3	\$2,075.00	\$6,225.00
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION	CY	29	\$900.00	\$26,100.00	29	\$2,100.00	\$60,900.00	29	\$2,525.00	\$73,225.00
680.510501	PULLBOX-RECTANGULAR, 26 X 18 INCH, REINFORCED CONCRETE	EACH	5	\$1,400.00	\$7,000.00	5	\$1,260.00	\$6,300.00	5	\$1,650.00	\$8,250.00
680.520103	CONDUIT, METAL STEEL, ZINC COATED, 1"	LF	50	\$15.00	\$750.00	50	\$12.60	\$630.00	50	\$16.00	\$800.00
680.520106	CONDUIT, METAL STEEL, ZINC COATED, 2"	LF	355	\$20.00	\$7,100.00	355	\$16.00	\$5,680.00	355	\$18.00	\$6,390.00
680.520108	CONDUIT, METAL STEEL, ZINC COATED, 3"	LF	40	\$25.00	\$1,000.00	40	\$63.00	\$2,520.00	40	\$30.00	\$1,200.00
680.520110	CONDUIT, METAL STEEL, ZINC COATED, 4"	LF	10	\$30.00	\$300.00	10	\$63.00	\$630.00	10	\$50.00	\$500.00
680.520203	TRAFFIC SIGNAL CONDUIT, FLEXIBLE LIQUID TIGHT STEEL, 1"	LF	20	\$12.00	\$240.00	20	\$31.50	\$630.00	20	\$16.00	\$320.00
680.54	INDUCTANCE LOOP INSTALLATION	LF	475	\$8.00	\$3,800.00	475	\$21.00	\$9,975.00	475	\$14.50	\$6,887.50
680.60083	TRAFFIC SIGNAL POLE-SPAN WIRE 8,000 POUND LOAD, 30 FEET LONG	EACH	2	\$4,500.00	\$9,000.00	2	\$14,200.00	\$28,400.00	2	\$12,915.00	\$25,830.00
680.6808	TRAFFIC SIGNAL POLE-BRACKET MOUNT 8 FEET MOUNTING HEIGHT	EACH	12	\$1,350.00	\$16,200.00	12	\$1,260.00	\$15,120.00	12	\$1,280.00	\$15,360.00
680.7002	DUAL SPAN WIRE ASSEMBLY WITH UPPER TETHER WIRE	EACH	1	\$2,250.00	\$2,250.00	1	\$3,150.00	\$3,150.00	1	\$1,450.00	\$1,450.00
680.71	SHIELDED LEAD-IN CABLE	LF	365	\$2.00	\$730.00	365	\$5.25	\$1,916.25	365	\$3.00	\$1,095.00
680.72	INDUCTANCE LOOP WIRE	LF	1695	\$1.25	\$2,118.75	1695	\$1.00	\$1,695.00	1695	\$0.40	\$678.00
680.730514	SIGNAL CABLE 5 CONDUCTORS, 14 AWG	LF	2340	\$3.00	\$7,020.00	2340	\$8.50	\$19,890.00	2340	\$5.00	\$11,700.00
680.79000001	REMOVE TRAFFIC SIGNAL EQUIPMENT	LS	1	\$7,000.00	\$7,000.00	1	\$4,200.00	\$4,200.00	1	\$4,500.00	\$4,500.00
680.80310008	FURNISH AND INSTALL MICROCOMPUTER (MODEL 2070) COMPLETE WITH STRETCH-TYPE CABINET	EACH	2	\$4,000.00	\$8,000.00	2	\$17,850.00	\$35,700.00	2	\$16,000.00	\$32,000.00
680.810101	TRAFFIC SIGNAL MODULE - 12 INCH, RED BALL, LED	EACH	8	\$100.00	\$800.00	8	\$131.00	\$1,048.00	8	\$140.00	\$1,120.00
680.810103	TRAFFIC SIGNAL MODULE - 12 INCH, YELLOW BALL, LED	EACH	8	\$125.00	\$1,000.00	8	\$136.50	\$1,092.00	8	\$140.00	\$1,120.00
680.810105	TRAFFIC SIGNAL MODULE - 12 INCH, GREEN BALL, LED	EACH	8	\$125.00	\$1,000.00	8	\$136.50	\$1,092.00	8	\$140.00	\$1,120.00
680.810107	TRAFFIC SIGNAL SECTION - TYPE I, 12 INCH	EACH	24	\$175.00	\$4,200.00	24	\$115.50	\$2,772.00	24	\$255.00	\$6,120.00
680.8111	TRAFFIC SIGNAL BRACKET ASSEMBLY - 1 WAY	EACH	2	\$200.00	\$400.00	2	\$315.00	\$630.00	2	\$550.00	\$1,100.00
680.8112	TRAFFIC SIGNAL BRACKET ASSEMBLY - 2 WAY	EACH	1	\$600.00	\$600.00	1	\$525.00	\$525.00	1	\$650.00	\$650.00
680.81310209	ACCESSIBLE PEDESTRIAN SIGNAL (APS) WITHOUT POLE	EACH	48	\$1,000.00	\$48,000.00	48	\$945.00	\$45,360.00	48	\$1,050.00	\$50,400.00
680.813103	PEDESTRIAN SIGNAL SECTION - TYPE I, 12 INCH	EACH	64	\$125.00	\$8,000.00	64	\$131.00	\$8,384.00	64	\$375.00	\$24,000.00
680.813105	PEDESTRIAN SIGNAL MODULE - 12 INCH BI-MODAL, HAND/MAN SYMBOLS LED	EACH	16	\$275.00	\$4,400.00	16	\$147.00	\$2,352.00	16	\$350.00	\$5,600.00
680.8141	PEDESTRIAN SIGNAL BRACKET MOUNT ASSEMBLY	EACH	34	\$225.00	\$7,650.00	34	\$210.00	\$7,140.00	34	\$385.00	\$13,090.00
680.8142	PEDESTRIAN SIGNAL POST TOP MOUNT ASSEMBLY	EACH	8	\$200.00	\$1,600.00	8	\$136.00	\$1,088.00	8	\$385.00	\$3,080.00
680.81500010	PEDESTRIAN COUNT-DOWN TIMER MODULE	EACH	48	\$130.00	\$6,240.00	48	\$263.00	\$12,624.00	48	\$350.00	\$16,800.00
680.81980010	TRAFFIC SIGNAL BACKPLATES WITH YELLOW REFLECTIVE TAPE	EACH	8	\$175.00	\$1,400.00	8	\$116.00	\$928.00	8	\$250.00	\$2,000.00
680.8220191	BREAKAWAY TRANSFORMER BASE (TRAFFIC)	EACH	12	\$675.00	\$8,100.00	12	\$840.00	\$10,080.00	12	\$665.00	\$7,980.00
680.82250308	REMOVE AND DISPOSE PEDESTRIAN PUSHBUTTONS AND SIGNS	EACH	38	\$50.00	\$1,900.00	38	\$126.00	\$4,788.00	38	\$100.00	\$3,800.00
680.94000008	TRAFFIC SIGNAL SERVICE ENTRANCE	EACH	2	\$750.00	\$1,500.00	2	\$1,600.00	\$3,200.00	2	\$1,200.00	\$2,400.00
680.94997008	FURNISH AND INSTALL ELECTRICAL DISCONNECT GENERATOR TRANSFER SWITCH	EACH	2	\$900.00	\$1,800.00	2	\$1,260.00	\$2,520.00	2	\$1,450.00	\$2,900.00
680.95020615	SERVICE CABLE 2 CONDUCTOR NO. 06 AWG	LF	150	\$4.00	\$600.00	150	\$10.50	\$1,575.00	150	\$5.00	\$750.00
685.11	WHITE EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	LF	7693	\$0.75	\$5,769.75	7693	\$1.30	\$10,000.90	7693	\$1.25	\$9,616.25
685.12	YELLOW EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	LF	868	\$1.00	\$868.00	868	\$0.42	\$364.56	868	\$0.40	\$347.20
685.14	WHITE EPOXY REFLECTORIZED PAVEMENT SYMBOLS - 20 MILS	EACH	16	\$100.00	\$1,600.00	16	\$100.00	\$1,600.00	16	\$95.00	\$1,520.00
697.03	FIELD CHANGE PAYMENT	DC	51000	\$1.00	\$51,000.00	51000	\$1.00	\$51,000.00	51000	\$1.00	\$51,000.00
699.040001	MOBILIZATION	LS	1	\$42,131.00	\$42,131.00	1	\$50,000.00	\$50,000.00	1	\$85,000.00	\$85,000.00

Computed TOTAL: \$1,150,814.00 \$1,965,307.31

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8761.25

BIN: N/A

Comptroller's Contract No: D035057

Supplemental Agreement No. 1

Date Prepared & By: 4/26/2019 mg

SUPPLEMENTAL AGREEMENT NO 1 to D035057

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

City of Beacon (the Municipality/Sponsor)Acting by and through the **City Administrator**

With its office at One Municipal Plaza, Suite One, Beacon, New York 12508

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

- ☐ amending a project description
- X amending the contract end date
- X amending the scheduled funding by:
 - X adding additional funding:
 - X adding construction phase which covers eligible costs incurred on/after
5/30/2019
 - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - ☐ increasing funding for a project phases(s)
 - ☐ adding a pin extension
 - ☐ change from Non-Marchiselli to Marchiselli
 - ☐ deleting/reducing a project phase(s)
 - ☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"☐ Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act☐ Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8761.25

BIN: N/A

Comptroller's Contract No: D035057

Supplemental Agreement No. 1

Date Prepared & By: 4/26/2019 mg

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

By: [Signature]

Print Name: Anthony Ruggiero

Title: City Administrator

Municipality/Sponsor Attorney:

By: [Signature]

Print Name: Nicholas Ward-Willis

STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

On this 21st day of May, 2019 before me personally came Anthony Ruggiero to me known, who, being by me duly sworn did depose and say that he/she resides at Fishkill, NY; that he/she is the City Administrator of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the City Council of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on May 20, 2019 and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

[Signature]
Notary Public

IOLA C TAYLOR
Notary Public - State of New York
NO. 01TA6154600
Qualified in Dutchess County
My Commission Expires 6-23-2022

By: [Signature]
For Commissioner of Transportation

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

JUL 16 2019

APPROVED AS TO FORM
NYS ATTORNEY GENERAL
STATE OF NEW YORK ATTORNEY GENERAL
By: JUL 18 2019
[Signature]
BENJAMIN L. MAGGI
ASSISTANT ATTORNEY GENERAL

By: [Signature]
For the New York State Comptroller
Pursuant to State Finance Law § 112

APPROVED
DEPT. OF AUDIT & CONTROL
JUL 22 2019
[Signature]
FOR THE STATE COMPTROLLER

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYS DOT/ State-Local Agreement - Schedule A for PIN 8761.25

OSC Municipal Contract #: D035057		Contract Start Date: <u>8/10/2015</u> (mm/dd/yyyy)		Contract End Date: <u>9/30/2020</u> (mm/dd/yyyy)	
		☒ Check, if date changed from the last Schedule A			
Purpose:		☐ Original Standard Agreement		☒ Supplemental Schedule A No. 1	
Agreement Type:		☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon Other Municipality/Sponsor (if applicable): _____ ☐ State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies. ☐ Municipality: _____ % of Cost share ☐ Municipality: _____ % of Cost share ☐ Municipality: _____ % of Cost share			
Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☒ ROW Incidentals ☐ ROW Acquisition ☒ Construction/CI/CS					
Work Type: BIKE/PED./FACILITIES		County (If different from Municipality): Dutchess County			
Marchiselli Eligible ☐ Yes ☒ No (Check, if Project Description has changed from last Schedule A): ☐					
Project Description: Beacon Main Street Accessibility Improvements, City of Beacon, Dutchess County					
Marchiselli Allocations Approved FOR ALL PHASES All totals will calculate automatically.					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
☐	Cumulative total for all prior SFYs	\$0.00	\$0.00	\$0.00	\$ 0.00
☐	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8761.25.121	Current	TAP	\$210,000.00	\$168,000.00	\$0.00	\$42,000.00
	Old	TAP	\$210,000.00	\$168,000.00	\$0.00	\$42,000.00
8761.25.221	Current	TAP	\$7,000.00	\$5,600.00	\$0.00	\$1,400.00
	Old	TAP	\$7,000.00	\$5,600.00	\$0.00	\$1,400.00
8761.25.321	Current	TAP	\$958,000.00	\$766,400.00	\$0.00	\$191,600.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$1,175,000.00	\$940,000.00	\$ 0.00	\$235,000.00

C. Local Deposit(s) from Section A:

\$ 0.00

Additional Local Deposit(s)

\$

Total Local Deposit(s)

\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$940,000.00	\$ 0.00	\$ 0.00	\$235,000.00	\$1,175,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

 Name: Marshall Gioia
 Phone No: 845-431-5804

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A

(See **LPB's** website for link to sample footnotes)

- Project description continued: Removal of existing paving and curbs on Main Street from Route 9D to Teller Avenue; install new concrete sidewalks and granite curbing and backfill at intersections for bump-out traffic calming sidewalk ramps at intersections, new paver areas, striping of new and existing crosswalks; modification/removal of existing catch basins and installation of new catch basins and HDPE piping and manholes as needed; modification of gas and water valves; modification of existing traffic signal box (at Main and Chestnut Streets) ; centerline, parking stall, stop bars, and "no-parking" striping; relocating signage; and repair existing sharrows.
- This Schedule A adds the construction and construction inspection phase and funds.
-
-
-
-
-
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-
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CITY OF BEACON New York

ANTHONY RUGGIERO

OFFICE OF THE CITY ADMINISTRATOR

845-838-5009

January 11, 2021

VIA EMAIL ONLY

Stephen J. MacAvery, RLA, CPESC
Local Projects Unit, Design and Environmental Advisor
Regional ADA Coordinator and ADA Specialist
New York State Department of Transportation, Hudson Valley
4 Burnett Boulevard, Poughkeepsie, NY 12603

Re:

**PIN 8761.25 BEACON MAIN ST. ACCESSIBILITY IMPROVEMENTS AND
PIN 8761.45 BEACON PEDESTRIAN SIGNAL IMPROVEMENTS CITY OF BEACON,
DUTCHESS COUNTY BID ANALYSIS - 12/28/2020**

Dear Mr. MacAvery:

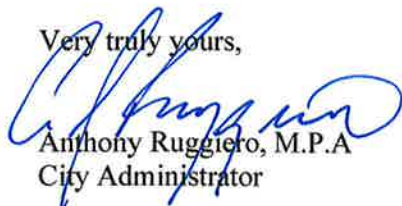
Please accept this correspondence in response to your letter dated January 4, 2021. In your correspondence you provide the following two options for the City regarding the two above projects:

1. Reject all bids, reduce the scope of work, revise the contract documents to reflect the scope reduction, and re-advertise the project. The Bid Analysis concludes that a majority of the item unit costs were estimated too low, therefore a rejection of all bids can be supported by the bid analysis.
2. Award the project to the low bidder with a scope reduction implemented by Change Orders after the award. Given that this was the second letting for these projects it is reasonable to conclude that rejecting all bids and re-letting the project may not result in lower bids.

At this time the City of Beacon is choosing to proceed with Option 2, Award the project to the low bidder with a scope reduction implemented by Change Orders after the award for both PIN 8761.25 and PIN 8761.45.

Please provide all the necessary certifications and approvals. Thank you for your attention.

Very truly yours,



Anthony Ruggiero, M.P.A.
City Administrator

Enclosure

ecc: Mayor Lee Kyriacou
Nicholas M. Ward-Willis, Esq.
Michael Manzi, Superintendent of Streets
J. Gorton, HVEA
L. Bach, HVEA



January 13, 2021

VIA EMAIL ONLY

Mr. Anthony J. Ruggiero, MPA
Beacon City Administrator
One Municipal Plaza, Suite One
Beacon, NY 12508

**RE: PIN 8761.25 BEACON MAIN ST. ACCESSIBILITY
IMPROVEMENTS AND
PIN 8761.45 BEACON PEDESTRIAN SIGNAL IMPROVEMENTS
CITY OF BEACON, DUTCHESS COUNTY
BID ANALYSIS - 12/28/2020**

Dear Mr. Ruggiero:

The Local Projects Unit has received your January 11, 2021 letter recommending that the subject project be awarded to the low bidder as of the January 23, 2020 letting with project scope reductions issued through change orders. As outlined in our January 4, 2021 letter to you we have also reviewed the Bid Analysis and the conceptual scope reduction.

The conceptual scope reduction meets the project objectives of shortening the distance for pedestrian crossing and enhancing pedestrian visibility and does not result in a change to the order of bidders. Based on the bid analysis and our review conceptual scope reduction we concur with the City's recommendation that it is in the best public interest to award the project to the low bidder as of the January 23, 2020 letting.

Please be reminded that language from Section 103-06, Article 5, Alterations and Omissions, of NYSDOT's Standard Specifications will need to be included in the contract between the City and the contractor. Any changes to the project cannot compromise the project's original objectives, cannot jeopardize compliance with State and Federal standards such as ADA (POWAG) and Safety (MUTCD), and cannot result in a reorder of the bids.

Contract award is considered a major approval that requires a NEPA reevaluation, which is required prior to the award. The tools to conduct a NEPA reevaluation are enclosed. All the requirements in the July 1, 2019 Authorization to Proceed to Construction letter are still applicable.

Award package review comments will be forthcoming under separate cover.

Sincerely,

Stephen J. MacAvery, RLA
Design & Environmental Advisor, Local Projects Unit, Region 8

Ecc: J. Gorton, HVEA
L. Bach, HVEA

City of Beacon City Council Agenda
02/16/2021

Title:

Resolution Ratifying the Appointment of Volunteer Firefighters

ATTACHMENTS

[Resolution Ratifying the Appointment of Volunteer Firefighters](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2021

RESOLUTION RATIFYING THE APPOINTMENT OF VOLUNTEER FIREFIGHTERS

WHEREAS, Chapter 31, Section 6 of the Code of the City of Beacon requires the City Council to ratify the appointment of Volunteer Firefighters recommended by the Fire Chief; and

WHEREAS, the City of Beacon Fire Chief has recommended the appointment the following Volunteer Firefighters, Brandon Travis, Fred Gaviglia, and Juliann Ettinger.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Beacon City Council hereby ratifies the appointment of the following volunteer firefighters, Brandon Travis, Fred Gaviglia, and Juliann Ettinger.

Resolution No. ____ of 2021			Date: <u>February 1, 2021</u>				
☐ Amendments			☐ 2/3 Required				
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda
02/16/2021

Title:

City Council Meeting Minutes February 1, 2021

ATTACHMENTS

[City Council Meeting Minutes February 1, 2021](#)

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council. Due to COVID-19 the City Council Meeting was held through video conference. The public was able to attend through video or telephone and were made aware via the City of Beacon website, cityofbeacon.org. Please note that the video recording of this meeting is available at <https://vimeo.com/507352581>. Please take further notice that in accordance with New York State Governor Andrew Cuomo's Executive Order 202.1 the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling 845 838 5010, or by emailing cityofbeacon@cityofbeacon.org.

Councilmembers Present

Amber Grant, At Large
George Mansfield, At Large
Terry Nelson, Ward One
Air Rhodes, Ward Two
Jodi McCredo, Ward Three
Dan Aymar-Blair, Ward Four
Lee Kyriacou, Mayor

Councilmembers Absent**Also Present:**

Chris White, City Administrator
Nick Ward-Willis, City Attorney

Community Segment:

Mental Health America of Dutchess County and Police Department Partnership Proposal
with Andrew O'Grady

Local Laws and Resolutions:**1. Resolution Appointing Jason Walden as Police Lieutenant**

- Motion to pass the Resolution by Councilmember Rhodes
- Second by Councilmember Nelson
- Motion passes 6 – 0

2. Resolution Appointing Michael Confield to Police Sergeant

- Motion to pass the Resolution by Councilmember Rhodes
- Second by Councilmember Mansfield
- Motion passes 6 – 0

3. Resolution Approving the Adoption of a Proposed Local Law to Amend Chapter 55, Section 16 of the Code of the City of Beacon

- Motion to pass the Resolution by Councilmember Grant
- Second by Councilmember Nelson
- Motion passes 6 – 0

4. Resolution Authorizing City Administrator Christopher White as the Primary Log-In Holder for the City of Beacon Equitable Business Opportunities (EOB) Account

- Motion to pass the Resolution by Councilmember Grant
- Second by Councilmember Nelson
- Motion passes 6 – 0

Approval of Minutes

City Council Meeting Minutes

January 19, 2021

- Motion to Approve the Minutes by Councilmember Mansfield
- Second by Councilmember Rhodes
- Motion passes 6 - 0

Note that Councilmember McCredo did not cast a vote on Resolutions #1 – 4, or the approval of minutes, due to technical difficulties.

Adjournment

- Motion to adjourn by Councilmember Nelson
- Second by Councilmember Rhodes
- Motion passes 6 - 0

City of Beacon City Council Agenda
02/16/2021

Title:

Personnel

ATTACHMENTS